

Alcohol Abuse Tracking Committee (AATC)

utah department of
human services
SUBSTANCE ABUSE AND MENTAL HEALTH

2021 REPORT

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Purpose of the Report

This report is the eighth edition of the Annual Alcohol Abuse Tracking Committee (AATC) Report which is submitted to the Governor and Legislature. The first edition of the report was completed in 2013, and annual updates have been completed each year since 2015. The original report was prepared in accordance with 2012 Legislative Session House Bill 354 Utah State Code 53-1-119 (7):

(a) The committee shall begin to collect the information described in Subsection (6) by January 1, 2013. For fiscal year 2012-13, the committee is required only to report the information collected between January 1, 2013 and June 30, 2013.

(b) Beginning December 31, 2013, the committee shall report the information collection under Subsection (6) annually to the governor and Legislature by no later than the December 31 immediately following the fiscal year for which the information is collected.

From 2015 to the present, all editions were prepared in accordance with changes in the statute which were made during the 2014 legislative session:

(c) Beginning July 1, 2014, the committee shall report the information collection under Subsection (6) annually to the governor and the Legislature by no later than July 1 immediately following the calendar year for which the information is collected.

The Alcohol Abuse Tracking Committee (AATC) was created as a result of the 2012 Legislative Session House Bill 354 Alcohol Beverage Amendments. The Committee is made up of several Divisions, Agencies, Departments, Committees, Organizations, and individuals throughout Utah. In May 2021, there were 22 participants on the AATC, representing 12 different agencies including: Commission on Criminal and Juvenile Justice, Department of Corrections, Utah Courts, Department of Alcoholic Beverage Control, Department of Health, Department of Public Safety, Department of Workforce Services, Department of Technology Services, and Mothers against Drunk Driving. The committee's responsibilities are to determine if data are being collected, and if not, how it can be collected in the following areas:

53-1-119(6)

(a) the number of individuals statewide who are convicted of, plead guilty to, plead no contest to, plead guilty in a similar manner to, or resolve by diversion or its equivalent to a violation related to underage drinking of alcohol;

(b) the number of individuals statewide who are convicted of, plead guilty to, plead no contest to, plead guilty in a similar manner to, or resolve by diversion or its equivalent to a violation related to driving under the influence of alcohol;

(c) the number of violations statewide of Title 32B, Alcoholic Beverage Control Act, related to over-serving or over-consumption of an alcohol product;

(d) the cost of social services provided by the state related to abuse of alcohol, including services provided by the Division of Child and Family Services within the Department of Human Services;

(e) where the alcoholic products are obtained that results in the violations or costs described in Subsection (6)(a) through (d);

(f) Any information the committee determines can be collected and relates to the abuse of alcoholic products.

The AATC began meeting in May 2012. Communication has continued among committee members and agencies to identify alcohol abuse problems within the State of Utah. A variety of resources have been used to gather alcohol related information including: the Department of Human Services, Division of Substance Abuse and Mental Health's Statewide Epidemiological Outcome Workgroup (SEOW) and Student Health and Risk Prevention (SHARP) survey, the Utah Department of Health's Behavioral Risk Factor Surveillance System (BRFSS), the Department of Public Safety, Highway Safety's Eliminating Alcohol Sales to Youth (EASY) program, the Commission on Criminal and Juvenile Justice (CCJJ) Annual DUI Report, the Administrative Office of the Courts report, the Department of Alcoholic Beverage Control (DABC), and the Department of Public Safety, State Bureau of Investigation. The majority of data compiled and presented in this report reference calendar year 2020, with some indicators referring to fiscal year 2020 (when noted). These data build on the previous editions of this report by providing the latest available data for each indicator at the time of writing.

Based on the informational goals identified by the AATC, data are presented below by topic in the following sections:

1. Alcohol use estimates and trends
2. Alcohol-related arrests and court charges for underage drinking and driving under the influence
3. Violations of the State Alcoholic Beverage Control Act: Over-serving/consumption and sales to minors
4. Consequences of alcohol use: Abuse/dependence, treatment, and mortality/morbidity
5. Costs of excessive alcohol use in Utah
6. Environmental strategies for reducing excessive alcohol consumption in Utah

The COVID-19 Pandemic and 2020 Data

In March of 2020 the COVID-19 Pandemic gripped Utah and the world, resulting in a year like no other in recent history. As with all other aspects of life in 2020, public health protocols and restrictions intended to slow the transmission of COVID-19 disrupted business as usual. The closures of schools and businesses, group size limits, and social distancing protocols affected almost all aspects of life. This impact will be seen in the data for 2020 presented in this report, and may make interpretation of the 2020 data relative to previous years challenging. We encourage readers to think critically, and when appropriate, collect additional contextual information about the specific data being examined when trying to make comparisons to the 2020 data.

Alcohol Use Estimates and Trends

Alcohol use estimates are available through surveys conducted within the State of Utah. For youth, alcohol use rates from the Utah Student Health and Risk Prevention (SHARP) survey can provide data at state and community levels. The SHARP survey is administered by the Utah Department of Human Services, Division of Substance Abuse and Mental Health (DSAMH) every other year (on odd number years). The survey samples approximately 50,000 youth per administration and provides a wealth of data regarding substance use behaviors,

risk and protective factors, anti-social behavior, school climate, and physical & mental health status. The most recently available SHARP data at the time of publication for this report are from 2019. For adults, alcohol use estimates are available through the Utah Behavioral Risk Factor Surveillance Survey (BRFSS). The BRFSS is administered annually through the Utah Department of Health via telephone and has sampled approximately 10,000-12,000 adults (aged 18+) each year since 2009. The most recently available BRFSS data available at the time of publication are also from 2019.

Youth Alcohol Use

Table 1 presents youth alcohol use rates in Utah from 2015 to 2019, as well as rates of drinking and driving and riding with a driver¹ who has consumed alcohol. When it comes to alcohol use, survey data show that underage drinking has been decreasing steadily over the last decade both in Utah as well as nationally. Here in Utah, youth drink alcohol at much lower rates than the national average. This is true of lifetime alcohol use (“have you ever used alcohol in your lifetime”), past 30 day use, and binge drinking (five or more drinks in a row) in the past two weeks. In fact, alcohol use rates among Utah youth have historically been about 50% of the national rate or less, and this trend continued in 2019. For example, the 30 day use rate in 2019 for youth in grades 8th, 10th and 12th combined was 7.1% in Utah, while the national rate for the same grades was 18.7%. Figure 1 presents youth alcohol use trends in Utah from 2005 to 2019.

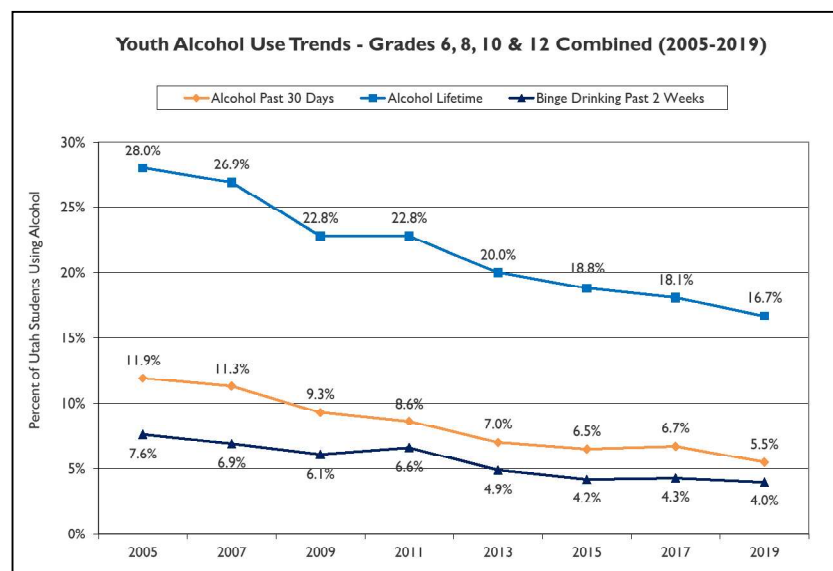
¹ This item was discontinued from the survey in 2019.

Table 1. Utah Youth Alcohol Use Rates and Related Behaviors by Grade (2015-2019)

	6th Grade			8th Grade			10th Grade			12th Grade			Grades 6, 8, 10 & 12 Combined		
	2015	2017	2019	2015	2017	2019	2015	2017	2019	2015	2017	2019	2015	2017	2019
Youth Alcohol Use-Past 30-Day	0.7%	0.9%	0.7%	3.4%	3.2%	3.6%	9.5%	8.9%	7.0%	13.6%	14.7%	11.1%	6.5%	6.7%	5.5%
Youth Alcohol Use-Lifetime	5.8%	6.0%	5.9%	13.9%	12.5%	12.8%	25.8%	23.4%	20.8%	31.5%	31.8%	28.9%	18.8%	18.1%	16.7%
Youth Binge Drinking (Past 2 weeks)	0.8%	0.9%	1.4%	2.6%	2.6%	3.3%	5.9%	5.5%	4.7%	8.1%	8.6%	6.9%	4.2%	4.3%	4.0%
Youth Drinking And Driving	0.5%	0.5%	0.4%	1.2%	1.2%	1.2%	2.0%	2.2%	1.5%	3.7%	3.0%	2.3%	1.9%	1.8%	1.4%
Youth Riding With Drinking Driver	4.7%	5.4%	n/a	7.1%	7.1%	n/a	9.5%	8.7%	n/a	7.7%	8.7%	8.7%	7.3%	7.7%	n/a

Source: Utah Student Health and Risk Prevention Survey

Figure 1



While Utah's low youth alcohol use rates are definitely a positive sign of the overall wellness of the state's youth population, there are also data that serve as reminders that underage drinking remains an important issue for prevention efforts. Foremost, alcohol has traditionally been the most widely used substance by youth in the state. Alcohol was the most widely used substance by youth in every survey year until 2015, when it was eclipsed by e-cigarette use. The 30 day alcohol use rate among 6-12th graders (combined) in Utah for 2019 reached a new low of 5.5%. However, 7% of Utah 10th graders and 11.1% of 12th graders indicated having used alcohol at least once in the past 30 days. This equates to approximately 3,500 10th graders and 5,500 12th graders statewide who had recent alcohol use at the time of the survey. Secondly, while a smaller proportion of Utah's youth drink alcohol compared to the nation, the data suggest that Utah youth who do drink

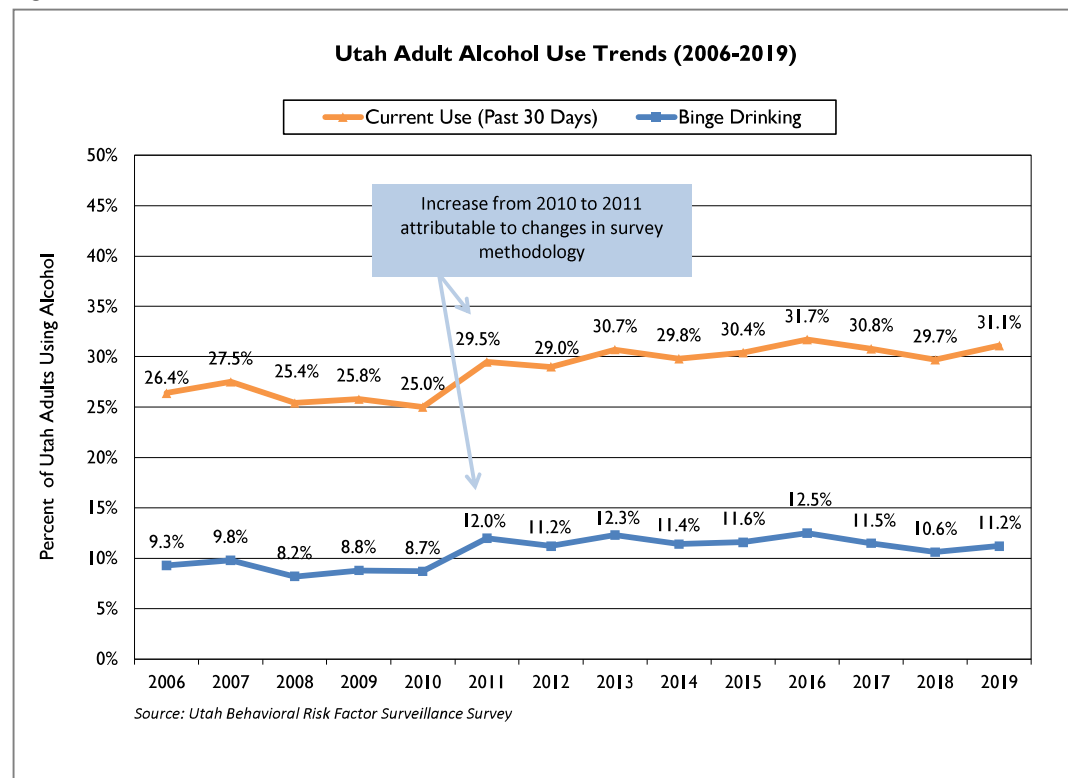
alcohol are more likely to engage in binge drinking than their national counterparts. Nationally, about 49% of 12th graders who drank alcohol in the past 30 days also engaged in binge drinking in the past two weeks in 2019. In Utah, about 62% of 12th graders reporting 30 day alcohol use also indicated binge drinking. A similar pattern of high binge drinking rates among 30 day alcohol users holds for 8th and 10th graders in Utah as well. This is a significant concern; according to the Centers for Disease Control and Prevention, binge drinking is associated with greater risk for negative alcohol related outcomes including: drinking and driving, becoming a victim of violence, and abuse and dependence².

² <http://www.cdc.gov/alcohol/faqs.htm>

Adult Alcohol Use

Table 2 presents rates of adult alcohol use in Utah from 2017 to 2019 by type of use: a) used in the past 30 days, b) binge drinking in the past 30 days (5 or more drinks in one occasion for males, or 4 or more drinks for females), and c) heavy alcohol use (averaging more than 2 drinks per day for males, or more than 1 drink per day for females). Figure 2 presents trend data for 30 day alcohol use and binge drinking. On a positive note, rates of alcohol use by Utah adults are much lower than national rates (e.g., in 2019, 31.1% of adults in Utah reported using alcohol in the past 30 days vs. 54.1% of their national counterparts). However, similar to youth, Utah adults who indicated using alcohol were more likely to report binge drinking than their national counterparts (e.g., 36.0% of Utah drinkers reported binge drinking vs. 31.1% for the U.S.). Trend data for the state suggest that rates of adult alcohol use decreased slightly from 2005 through 2010. The methodology of the survey changed in 2011³ which makes comparisons difficult between pre-2011 data with data collected in 2011 and beyond. From 2011 to 2019, rates have fluctuated between 10.6% and 12.5%.

Figure 2



³ Changes in sample weighting and the inclusion of cell phones provide more accurate estimates for Utah, but make comparisons with previous data dubious.

Table 2. Utah Rates of Adult Alcohol Use by Age (2017-2019)

	18-24 yrs			25-34 yrs			35-44 yrs			45-54 yrs			55-64 yrs			65+			Total		
	2017	2018	2019	2017	2018	2019	2017	2018	2019	2017	2018	2019	2017	2018	2019	2017	2018	2019	2017	2018	2019
Adult Current Drinking (Past 30-Day Use)	25.9%	25.9%	30.8%	40.0%	38.2%	39.2%	33.9%	33.1%	35.1%	31.8%	31.7%	32.0%	30.3%	26.9%	27.4%	19.5%	19.1%	19.0%	30.8%	29.7%	31.1%
Adult Binge Drinking (Past 30 days)	12.5%	12.3%	13.4%	18.6%	17.1%	17.0%	13.9%	14.0%	13.3%	9.8%	9.4%	11.4%	8.6%	4.7%	7.3%	2.7%	2.6%	2.8%	11.5%	10.6%	11.2%
Adult Heavy Alcohol Use	2.5%	3.6%	4.3%	4.8%	4.4%	4.4%	4.3%	5.1%	5.1%	4.4%	3.8%	4.2%	4.1%	3.1%	5.0%	1.7%	2.0%	2.3%	3.7%	3.8%	4.2%

Source: Behavioral Risk Factor Surveillance System (BRFSS)

Adult Alcohol Use, Continued

With regard to binge drinking, Utah has traditionally had a lower reported overall prevalence in comparison to the U.S. In 2019, when asked about their recent drinking habits, 31.1% of Utahns reported any alcohol consumption in the past 30 days compared with 53.8% of all U.S. adults. The overall prevalence of binge drinking in Utah for 2019 was 11.2%, up slightly from 2018 which saw the lowest observed rate in binge drinking since 2010. Utah continues to be below the nationwide rate of 16.8%. Rates of binge drinking in Utah have historically been highest among persons aged 25-34 (17.0% in 2019), and higher for males than females (14.5% vs. 8% in 2019, respectively).

Among Utah binge drinkers in 2019, the frequency (number of occasions) of binge drinking was 5.2 occasions per month, and the intensity (number of drinks) was 8.2 drinks on occasion. Both of these numbers represents an increase from previous years (4.7 and 7.7, respectively in 2018). Unlike the overall prevalence of binge drinking, where reported Utah rates were much lower than the national average, among those that did binge drink, the frequency and intensity of binge drinking in Utah was actually higher than the national average.

Figure 3

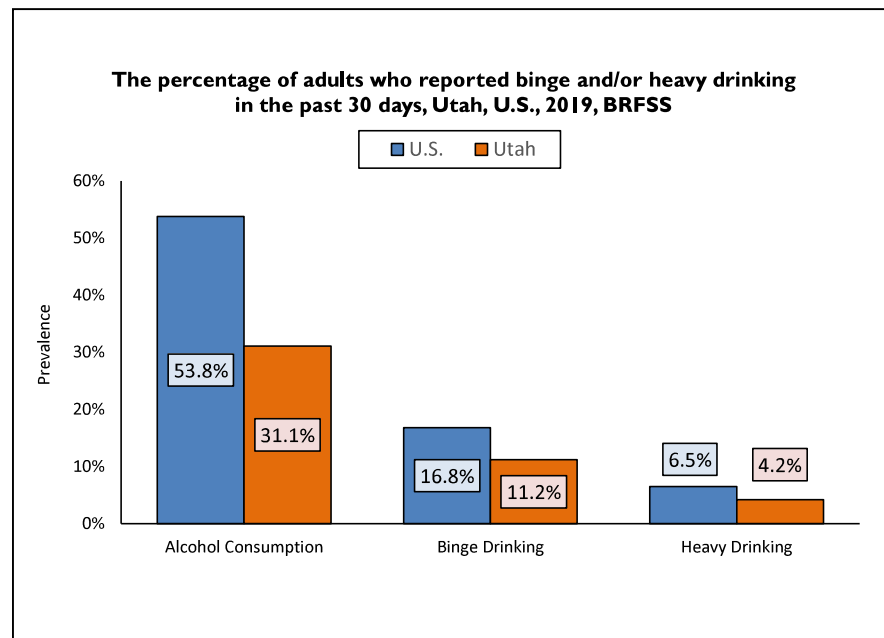
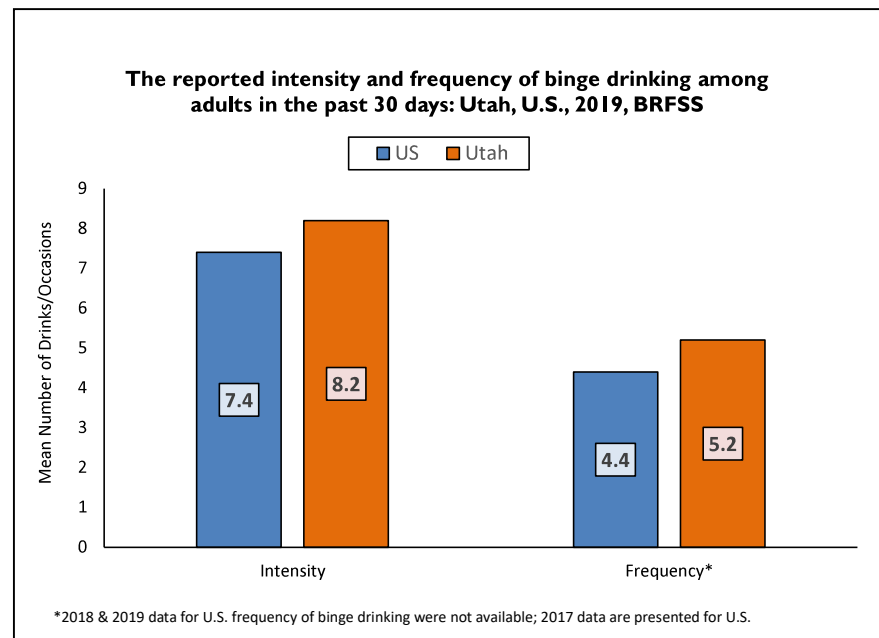


Figure 4



Sources of Alcohol and Places of Alcohol Use

In addition to alcohol use rates, data are available regarding where both youth and adult drinkers obtained and used alcohol. These data may be helpful in considering legislation that affects the distribution of alcohol. The 2015 SHARP Survey asked youth, “If you drank alcohol (not just a sip or taste) in the past year, how did you get it?” Respondents were asked to mark all the options that apply to them. Table 3 presents the percentage of youth (of those who used alcohol in the past year) who indicated getting alcohol from each of nine different sources. The data suggest that it is not common for youth to purchase alcohol themselves through retail means. By far, the most common sources of alcohol for youth drinkers were parties (57% of drinkers), and “someone I know over age 21” (51%). The least common source of alcohol was “I bought it myself from a store” (5.1%). Unfortunately, this item was discontinued after 2015 so more recent data are not available for this item.

For adults, additional items were included on the 2013, 2017, 2018, and 2019 Utah BRFSS to understand where alcohol users purchased and drank alcohol. In 2013, respondents who reported drinking alcohol in the past 30 days were asked where they did most of their drinking on the last occasion and where they bought the alcohol they consumed on the last occasion. People who reported binge drinking were asked those same questions regarding their last binge drinking occasion. Individuals who reported no alcohol use in the past 30 days were not asked these questions. These data were intended to shed light on where alcoholic products are purchased in situations that potentially contribute to driving under the influence (DUI) and/or alcohol related motor vehicle crashes. Tables 4a and 4c present the data for these items for the complete 2013 BRFSS sample, by age group and type of alcohol user (binge drinkers vs. 30 day users). For 2017-2019, the item asking about place of use on the last occasion was asked only of binge drinkers. Data from this item are provided in Table 4b (please note some responses that appeared as separate options in 2013 were combined on the 2017-2019 surveys).

Table 3. Sources of Alcohol for Utah Youth who Reported Drinking in Past Year (2013-2015)

<i>If you drank alcohol (not just a sip or taste) in the past year, how did you get it? (Mark all that apply)</i>										
	Grade 6		Grade 8		Grade 10		Grade 12		Total	
	2013	2015	2013	2015	2013	2015	2013	2015	2013	2015
<i>Number of respondents*</i>	603	534	1,642	1,492	2,381	2,287	2,338	2,203	6,964	6,516
I bought it myself from a store	2.8%	4.0%	3.6%	2.7%	3.7%	3.6%	7.8%	7.6%	5.0%	5.1%
I got it at a party	37.5%	31.7%	48.8%	43.2%	60.8%	57.0%	71.6%	65.8%	59.6%	57.0%
I gave someone else money to buy it for me	7.5%	7.8%	18.5%	14.2%	30.0%	24.0%	46.1%	41.3%	30.7%	28.7%
I got it from someone I know age 21 or older	27.5%	26.3%	40.4%	37.9%	50.9%	47.6%	64.1%	61.6%	50.8%	50.7%
I got it from someone I know under age 21	18.1%	15.4%	31.7%	30.0%	38.3%	36.5%	38.2%	34.0%	35.0%	33.2%
I got it from a family member or relative other than my parents	32.7%	27.1%	34.9%	36.1%	32.0%	33.1%	30.3%	30.7%	32.2%	32.3%
I got it from home with my parents' permission	33.2%	30.8%	28.9%	29.1%	27.6%	27.1%	25.9%	30.0%	27.8%	28.8%
I got it from home without my parents' permission	17.7%	20.3%	36.6%	35.7%	32.2%	35.4%	26.0%	25.5%	29.9%	30.5%
I got it another way	24.9%	26.7%	23.1%	21.1%	20.9%	19.0%	18.0%	16.6%	20.8%	18.8%

*Responses include only individuals who indicated any alcohol use in the past year.

Source: Utah Student Health and Risk Prevention Survey

Sources of Alcohol and Places of Alcohol Use, Continued

As seen in Tables 4a & 4b, the most common place of alcohol use among adults who used was in their home, with the likelihood of reporting home use generally increasing with age. At another person's home was the second most common response. In 2013, alcohol use at a restaurant was more likely for drinkers over the age of 35, and among 30 day users (vs. binge drinkers), while alcohol use at a bar was highest for those under the age of 35, and among binge drinkers. Among binge drinkers in the 2017-2019 samples, "at home" continued to be the most commonly reported place of use across all age groups. There was a general decreasing trend in the percentage observed regarding use at a restaurant, and this was seen across most age groups. The data were mixed regarding different age groups and likelihood of reporting last use at a bar or club, with the highest percentage of drinkers reporting use at a bar/club in the 18-35 age group in 2017 and 2019, but drinkers in the 35-49 age group reporting the highest percentage in 2018. In regards to where alcohol was last purchased, the most frequent response was from a state liquor store, followed by from a grocery store. Restaurants and bars each represented place of purchase for approximately 7-8% of alcohol users. In comparing binge drinkers and 30 day users regarding place of purchase, 30 day users were more likely to indicate buying their alcohol from a state liquor store, while binge drinkers were more likely to indicate buying from a grocery store (and thus are presumably more likely to have consumed beer or other 3.2% alcohol products). Mirroring the last place of use data, binge drinkers were more likely to have purchased alcohol from a bar, and much less likely to have purchased from a restaurant than 30 day users.

Table 4a. Where Utah Adult Drinkers Used Alcohol* (2013)

<i>During the most recent occasion, where were you when you did most of your drinking?</i>							
	All Respondents Who Used Alcohol in the Past 30 Days					30 Day Users	Binge Drinkers
	18-34 yrs	35-49 yrs	50-64 yrs	65+	Total		
At your home	57.1%	65.9%	71.1%	72.8%	64.2%	65.9%	61.0%
At another person's home	21.7%	13.7%	10.0%	8.9%	15.6%	12.8%	20.3%
At a restaurant	5.1%	9.9%	9.9%	13.6%	8.4%	11.8%	2.9%
At a banquet hall	0.5%	0.1%	0.1%	0.8%	0.3%	0.3%	0.4%
At a bar	9.9%	6.0%	3.8%	0.8%	6.6%	4.9%	9.3%
At a club	1.5%	0.4%	0.6%	1.1%	0.9%	0.7%	1.2%
At a public place	4.1%	3.9%	4.6%	2.0%	4.0%	3.5%	4.9%

*Responses include only individuals who indicated any alcohol use or binge drinking in past 30 days (most recent binge occasion for respondents who indicated binge drinking; most recent alcohol use occasion for 30 day use respondents).

Source: Utah Department of Human Services & Utah Department of Health

Table 4b. Where Utah Adult Binge Drinkers Used Alcohol* (2017-2019)

<i>During the most recent occasion, where were you when you did most of your drinking?</i>															
	Respondents Who Binge Drank in the Past 30 Days														
	18-34 yrs			35-49 yrs			50-64 yrs			65+			Total		
	2017	2018	2019	2017	2018	2019	2017	2018	2019	2017	2018	2019	2017	2018	2019
At your home	43.8%	53.9%	51.6%	52.0%	46.3%	59.7%	56.3%	55.4%	64.9%	48.4%	69.3%	59.2%	48.6%	50.7%	57.5%
At another person's home	21.0%	25.1%	17.6%	17.3%	21.5%	15.3%	8.4%	14.7%	12.6%	20.6%	12.1%	18.3%	17.8%	18.7%	15.9%
At a restaurant or banquet hall	3.2%	0.1%	3.4%	3.8%	2.9%	1.9%	5.9%	3.7%	2.3%	5.4%	7.5%	4.2%	3.9%	3.4%	2.8%
At a bar or club	17.7%	12.8%	15.6%	11.4%	16.5%	11.0%	13.2%	11.9%	7.5%	6.1%	4.6%	8.5%	14.5%	14.3%	11.9%
At a public place	6.1%	8.2%	6.5%	5.3%	3.9%	7.5%	6.8%	5.1%	7.5%	12.4%	0.1%	5.6%	6.2%	4.2%	7.0%

*For 2017, responses include only individuals who indicated binge drinking in the past 30 days.

Source: Utah Department of Human Services & Utah Department of Health

Table 4c. Where Utah Adult Drinkers Purchased Alcohol* (2013)

<i>During the most recent occasion, where had most of the alcohol you consumed been purchased?</i>							
	All Respondents Who Used Alcohol in the Past 30 Days					30 Day Users	Binge Drinkers
	18-34 yrs	35-49 yrs	50-64 yrs	65+	Total		
From a grocery store	41.0%	34.3%	31.2%	23.5%	35.3%	31.6%	40.4%
From a restaurant	4.7%	10.3%	10.1%	13.3%	8.3%	12.2%	2.3%
From a banquet hall	0.1%	0.0%	0.1%	0.6%	0.1%	0.2%	0.0%
From a bar	10.6%	6.6%	4.2%	1.4%	7.2%	5.3%	10.2%
From a club	1.7%	0.3%	0.4%	1.0%	1.0%	0.6%	1.5%
From a state liquor store	40.0%	45.1%	50.6%	57.8%	45.5%	47.6%	42.2%
From an alcohol package agency	0.6%	0.0%	0.3%	0.5%	0.3%	0.5%	0.6%
From a fair, or sporting event	0.6%	1.0%	1.2%	0.0%	0.8%	0.6%	1.2%
From another state	0.8%	2.3%	1.8%	2.1%	1.5%	1.5%	1.6%

*Responses include only individuals who indicated any alcohol use or binge drinking in past 30 days (most recent binge occasion for respondents who indicated binge drinking; most recent alcohol use occasion for 30 day use respondents).

†2017 data was collected only for respondents who indicated binge drinking in the past 30 days.

Source: Utah Department of Human Services & Utah Department of Health

Alcohol-Related Arrests and Court Charges for Driving Under the Influence and Underage Drinking

In this section, available data for alcohol related arrests and court charges are presented. DUI and underage drinking arrest data were provided to the AATC by the Department of Public Safety (Highway Safety and Driver's License Division

[DLD]), while court charges were provided by the Administrative Office of the Courts (AOC). These data speak to the AATC's goal of understanding the number of individuals who are convicted of, plead guilty or no contest to, or resolve by diversion, violations of underage drinking and DUI.

Alcohol Related Arrests: Driving Under the Influence

The Utah Department of Public Safety, through its Driver License Division and Highway Safety office, collects information on all DUI arrests. For comparison purposes, it is important to note that these data are collected on a fiscal year calendar (July through June), rather than calendar year as most of the other data provided in this report. Table 5 presents DUI arrest data by gender and age from 2017 to 2020. In FY2020, law enforcement officers made 10,532 DUI arrests. This was higher than the number of arrests in FY2019, but similar to FY2017 and FY2018. Going back to FY2011 (13,816 DUI arrests), there has been a steady downward trend observed in the number of DUI arrests (despite a significant population increase over that timeframe), but the decreases have been getting smaller in recent years. The increase from 2019 to 2020 represents a potential shift towards an increase in the number of DUI arrests, and thus, warrants careful monitoring of future data. It is possible that the increase may be partially attributable to Utah's .05 DUI laws, which effectively began in calendar year 2019. Based on the data, it is clear that males consistently represent the vast majority of DUI arrests each year (between 72-73%). While no age group is immune to contributing to the DUI numbers for the state, the data suggest that DUI arrests are most strongly associated with drivers between the ages of 25 and 36, with this age group accounting for nearly 40% of all DUI arrests each year.

In order to interpret the meaning of a change in the number of DUI arrests from year to year, it is important to consider whether the change is attributable

to changes in actual drinking and driving, to changes in enforcement efforts, or a combination of both of these factors. Fortunately, data are available for understanding DUI enforcement levels from year to year. Table 6 presents data associated with specialized DUI overtime enforcement events such as enforcement

Table 5. Arrests for Driving Under the Influence of Alcohol by Age and Sex in Utah (2017-2020)

	2017		2018		2019		2020	
	Number	%	Number	%	Number	%	Number	%
Males	7,747	72.0%	7,465	71.9%	7,112	71.2%	7,598	72.1%
Females	2,777	25.8%	2,666	25.7%	2,657	26.6%	2,678	25.4%
Unspecified Gender	238	2.2%	252	2.4%	226	2.2%	256	2.4%
Ages 13-20	1,304	12.1%	1,255	12.1%	1,101	11.0%	1,306	12.4%
Ages 21-24	1,623	15.1%	1,533	14.8%	1,347	13.4%	1,474	14.0%
Ages 25-36	4,136	38.4%	3,922	37.8%	3,734	37.3%	3,902	37.1%
Ages 37-48	2,231	20.7%	2,197	21.2%	2,242	22.4%	2,384	22.6%
Ages 49+	1,468	13.6%	1,476	14.2%	1,571	15.7%	1,466	13.9%
Total	10,762	100.0%	10,383	100.0%	9,995	100.0%	10,532	100.0%

Source: Utah Department of Public Safety

blitzes, saturation patrols, and DUI checkpoints. These activities are funded by a portion of the DUI impound fees collected which are specifically designated to fund the overtime shifts, as well as federal funds received through the National Highway Traffic Safety Administration. The number of overtime DUI shifts in 2020 was (slightly lower, but) similar to the numbers we have been seeing since 2017. However, there has been a clear increasing trend in the number of DUI overtime shifts since 2012. Compared to 2012, the number of overtime DUI shifts worked in 2020 was three times higher (6,229 vs. 1,981), which resulted in approximately two times as many vehicles stopped, and more than twice as many DUI arrests. Also presented in Table 6 is the rate of DUI arrests per 100 DUI shifts worked. This indicator provides a more objective measure of the prevalence of DUI by accounting for the level of enforcement present each year (# of shifts worked). Between 2012 and 2016, it was clear that the rate of arrests was trending steadily downward, despite the increase in the actual number of arrests (i.e., increases in arrests were attributable to a greater number of shifts not greater

prevalence). However, 2017 marked the end of this trend as the rate of DUI arrests per 100 DUI shifts increased substantially (back to levels similar to 2014), and have remained relatively stable through 2020.

Data examining repeat DUI offenses is also available from the Utah Department of Public Safety. These data were calculated by identifying arrests that occurred in 2020 as a starting point, then counting back ten years to determine previous arrests. Based on the analyses, approximately 72.3% of DUI arrests in 2020 were first offenses, and 27.7% represented repeat offenders (18.5% were second offenses, and 9.2% represented a third offense or more). These proportions are highly consistent with previous years. These data are interesting because they suggest that a relatively large proportion of DUI offenders end up engaging in DUI again after their initial arrest. Interventions to reduce the likelihood of DUI offenders repeating their DUI behavior are potentially important in reducing future risky behavior in this high risk population.

Table 6. Utah Overtime DUI Enforcement Shifts Summary Data (FY2015-2020)

	2015	2016	2017	2018	2019	2020
# of DUI Shifts Worked	4,421	5,759	5,734	6,362	6,229	5,917
Vehicles Stopped	41,839	55,592	51,881	53,630	54,319	49,151
DUI Arrests	1,344	1,472	1,971	2,247	2,124	1,981
Rate of DUI Arrests per 100 DUI Shifts Worked	30.40	25.56	34.37	35.32	34.10	33.48
Vehicles Impounded	1,173	1,307	1,671	1,828	1,717	1,669
Alcohol Related Arrests*	758	744	2,014	1,026	1,915	1,116
Drug Related Arrests	912	1,341	2,594	2,306	2,342	2,185
Warrants Served	639	1,036	981	1,232	1,104	6,073
Other Warnings/Citations	38,490	54,676	47,083	54,090	48,583	51,642
Designated Drivers Documented	1,146	848	873	720	735	540

*Includes open container, underage alcohol violations

Note: Data combines state and federally funded enforcement events which are reported on different time frames (State FY: July 1-June 30; Federal FY: Oct 1-Sept 30).

Source: Utah Department of Public Safety

Adjudication of Alcohol Related Offenses: Driving Under the Influence

AOC provides the AATC with state level data from District Court, Justice Court, and Juvenile Court for: 1) Underage drinking; 2) Driving under the influence; and 3) Over serving/Consumption of an alcohol product. Justice courts are established by counties and municipalities and have the authority to handle class B and C misdemeanors, violations or ordinances, small claims, and infractions committed within their territorial jurisdiction. District courts are the state trial court of general jurisdiction. The District Court has original jurisdiction to try all civil cases, all criminal felonies, such as homicides, assaults, sex and drug offenses, forgery, arson, and robbery, and misdemeanors in certain circumstances. Finally, the Juvenile Court is a court of special jurisdiction that has exclusive original jurisdiction over youths, under 18 years of age, who violate any federal, state or municipal law, and any child who is abused, neglected or dependent. Cases between the three courts do not overlap.

In calendar year 2020, 7,692 charges for DUI offenses were filed in Justice Court, a slight decrease from 2019. Of the cases judged in Justice Court in 2020, 4,830 cases (62.8%) ended in conviction. This is a much lower percentage than was

observed in 2019 (75.3%), and may reflect a greater number of pending cases as a result of the COVID-19 pandemic. In District Court, a total of 3,412 charges were filed in calendar year 2020 (nearly the same as for 2019), and 1,785 of the cases ended in conviction. Similarly to the Justice Court data, there was a much lower percentage of convictions than is typical, and this is likely attributable to court disruptions related to the pandemic in 2020. In Juvenile Court, 50 charges for DUI offenses were filed in 2020, continuing an increasing trend since 2018. Dispositions for Juvenile Court cases were not available. Table 7 presents a summary of DUI charges and cases for each of the three courts for 2017-2020.

In order to estimate the conviction rates for cases of DUI judged in both Justice and District Courts, we looked at data provided for fiscal years 2016-2020 by the AOC that are included in the 18th *Annual DUI Report to the Utah Legislature* by the Utah Commission on Criminal and Juvenile Justice. Table 8 presents a breakout of the number of DUI offense charges filed each fiscal year by disposition in Justice and District Court. Based on these data, the estimated conviction rate for DUI charges heard in Justice Court ranged from 76.6% to 80.1%, while the conviction rate in District Court ranged from 74.7% to 81.8%.

Table 7. Utah DUI Adjudication Data from Justice, District and Juvenile Courts 2017-2020 (Calendar Year)

	Justice Court				District Court				Juvenile Court			
	2017	2018	2019	2020	2017	2018	2019	2020	2017	2018	2019	2020
Charges Filed	8138	7401	7819	7692	3406	3496	3381	3412	21	25	43	57
Offense Convictions (Total)	6435	5981	5888	4830	2398	2690	2527	1785	n/a	n/a	n/a	n/a
Bail Forfeiture	13	17	15	9								
Guilty	4108	3925	3826	3116	2292	2549	2408	1723				
Guilty Bench	54	50	27	36								
Guilty Jury	32	33	27	8								
Guilty Plea	1891	1637	1606	1397	12	12	9					
No Contest	329	319	387	264	94	129	110	62				

Source: Utah Administrative Office of the Courts

Adjudication of Alcohol Related Offenses: Driving Under the Influence, Continued

For Justice Courts, the estimated conviction rate observed in 2020 was virtually the same as it has been since 2017 (and was the lowest of any year through 2011). For District Courts, the estimated conviction rate in 2020 was 79.4%, which was the lowest rate since 2017 when the conviction rate was 74.7%. Estimates were based only on cases where a judgment was rendered (cases with status pending, remanded or transferred, or where the defendant was deceased were not included in the calculation).

In addition to the court data presented above, the Department of Public Safety's Driver License Division collects data regarding the number of alcohol related driver license suspension/revocation hearings conducted. These data provide an additional metric regarding the number of DUI cases occurring across the state. The DLD is required to suspend or revoke the license of a person who has been convicted or sanctioned for serious alcohol offenses such as DUI, refusal of a chemical test, or "not a drop" (youth) violations. When a driver is arrested for DUI, an administrative action may be taken against the driving privilege, which is independent of the criminal charges filed and the driver license sanction resulting from a criminal conviction. Drivers may request a license hearing within 10 days, and the Driver License Division must schedule the hearing within the 45-day period from the arrest date. Table 9 presents the number of hearings requested from FY2015-2020, by violation type. There was a clear decreasing trend in the total number of hearings from 2011 to 2019, but 2020 saw a dramatically higher number of hearings for alcohol violations at 5,663 (the highest number since 2011).

For more information about DUI sentencing guidelines, please see the 2021 DUI Statutory Overview provided in the attachments section of this report. The overview presents statutory provisions and court ordered sentencing guidelines for DUI in Utah based on severity and number of offenses.

Table 8. Utah Justice, District and Juvenile Court DUI Case Outcomes with Estimated Conviction Rate (FY2016-2020)

	2016		2017		2018		2019		2020	
	#	%	#	%	#	%	#	%	#	%
Justice Court Cases										
Guilty or No Contest	4,251	50.4%	6,627	76.4%	6,313	76.3%	5,940	76.9%	4,979	75.8%
Diversion			1	0.0%	1	0.0%	6	0.1%	3	0.0%
Plea in Abeyance			114	1.3%	135	1.6%	95	1.2%	90	1.4%
Dismissed, Not Guilty, or Declined Prosecution	1,054	12.5%	1,894	21.8%	1,782	21.5%	1,645	21.3%	1,424	21.7%
Transferred or Deceased			38	0.4%	46	0.6%	39	0.5%	25	0.4%
Cases Pending	3,129	37.1%							47	0.7%
Total	8,434	100.0%	8,674	100.0%	8,277	100.0%	7,725	100.0%	6,568	100.0%
Estimated Conviction Rate*		80.1%		76.7%		76.7%		76.9%		76.6%
Number of Justice Courts Reporting	114		116		118		121		114	
District Court Cases										
Guilty or No Contest	2,203	76.4%	2,297	70.8%	2,615	76.0%	2,624	79.1%	2,016	79.2%
Diversion	0	0.0%	1	0.0%	1	0.0%	0	0.0%	0	0.0%
Plea in Abeyance	28	1.0%	21	0.6%	38	1.1%	45	1.4%	43	1.7%
Dismissed, Not Guilty, or Declined Prosecution	465	16.1%	756	23.3%	604	17.5%	537	16.2%	367	14.5%
Remanded, Transferred or Deceased	188	6.5%	168	5.2%	185	5.4%	110	3.3%	114	4.4%
Total	2,884	100.0%	3,243	100.0%	3,443	100.0%	3,316	100.0%	2,545	100.0%
Estimated Conviction Rate*		81.7%		74.7%		80.3%		81.8%		79.4%

*Estimated conviction rate is based on cases where a judgment was made. The calculation does not include cases pending judgment, or cases remanded, transferred or when the defendant was deceased.

Source: Utah Administrative Office of the Courts

Table 9. Number of Driver License Division Hearings for Alcohol Violations by Type in Utah (FY2015-2020)

	2015	2016	2017	2018	2019	2020
Per Se Violations	3,940	3,800	3,722	3,448	3,190	4,719
Not a Drop Violations	80	70	94	95	105	150
Refusal to Submit to a Chemical Test	622	572	606	573	540	794
Total	4,642	4,442	4,422	4,116	3,835	5,663

Source: Utah Department of Public Safety, Driver License Division

Justice and District Court DUI Offender Screening and Assessment Process

Screening and Assessment: As part of any sentence for a DUI offense, Utah law requires offenders to participate in a screening, and, if indicated by the screening, an assessment. This information is used to identify possible educational and/or treatment interventions appropriate for the offender. A screening involves gathering information that is used to determine if an individual has a problem with alcohol and/or other drug abuse, and if so, whether an in-depth clinical assessment is appropriate. An assessment is a collection of detailed information concerning the individual's alcohol and/or other drug abuse, emotional and physical health, social roles, and other relevant areas of the individual's life. The assessment is used to determine the need for substance use disorder treatment⁴.

Education: The purpose of DUI education is to “address any problems or risk factors that appear to be related to use of alcohol and other drugs and attempt to help the individual recognize the harmful consequences of inappropriate use, with special emphasis placed on the dangers of drinking and driving.”⁵ Utah DUI offenders sentenced to an educational series attend the PRIME For Life® (PFL) program developed by the Prevention Research Institute (PRI). “PRIME For Life® is a motivational intervention that provides education and strategies for individuals who have experienced problems due to high-risk alcohol or drug use. PFL is an interactive experience designed to motivate and guide individuals toward making low-risk choices and adopting more accurate beliefs about personal risk that will support those low-risk choices. The program provides research-based, low-risk guidelines and assists participants in making choices to best protect what they value.”

Treatment: For a first and second DUI offense, the court may order treatment; for a third or subsequent offense within 10 years, the court must order substance use disorder treatment. “Treatment involves the application of planned procedures to identify and change patterns of behavior that are maladaptive, destructive, and/or injurious to health; or to restore appropriate levels of physical, psychological and/or social functioning.” The level of treatment needed (e.g., day treatment, outpatient, intensive outpatient, residential) is determined by the assessment on the basis of the severity of the substance use disorder.

Table 10 presents the number of orders for substance use disorder screening and assessment by the District and Justice Courts for fiscal years 2016 to 2020 (for those cases where the values were known), and the number of cases ordered to participate in an education series and/or substance abuse treatment services. As seen in Table 10, the number of screening and assessments ordered by Justice Courts, as well as the number ordered to attend treatment has fluctuated with higher numbers in 2017 and 2018 and lower numbers in 2016, 2019, and 2020. The number ordered to attend an education series had been decreasing since 2013, but increased slightly in 2020 back to 2018 levels. For District Courts, all three measures had been trending upward during the last several years, but 2020 saw decreased numbers, albeit all were within the ranges observed between 2016 and 2019.

⁴ Center for Substance Abuse Treatment, *Screening and Assessment for Alcohol and Other Drug Abuse Among Adults in the Criminal Justice System*, Treatment Improvement Protocol (TIP) Series, #7.

⁵ Utah Sentencing Commission, *DUI Best Sentencing Practices Guidebook*, 2003.

Table 10. Number of DUI Offenders Ordered to Complete Screening, Assessment, Education and Treatment by Justice and District Courts in Utah (2016-2020)

	2016	2017	2018	2019	2020
Justice Court					
# of Substance Use Disorder Screening and Assessments Ordered	4,309	4,621	4,558	4,271	4,392
# Ordered to Attend Education Series	3,419	3,223	2,985	2,803	2,982
# Ordered to Attend Substance Abuse Treatment	2,663	2,856	3,018	2,985	3,031
District Court					
# of Substance Use Disorder Screening and Assessments Ordered	1,046	1,001	1,173	1,301	1,173
# Ordered to Attend Education Series	383	401	476	420	379
# Ordered to Attend Substance Abuse Treatment	1,251	1,214	1,418	1,432	1,185

Source: Utah Administrative Office of the Courts

Alcohol Related Arrests: Liquor Law and Drunkenness Offenses

The number of arrests for liquor law and drunkenness violations is available through the Utah Department of Public Safety, Bureau of Criminal Identification's annual Crime in Utah Report. Liquor law violations are defined as any violation of state or local laws (federal violations are excluded) and ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages, not including driving under the influence or drunkenness. Drunkenness refers to violations in which an individual drinks alcoholic beverages to the extent that one's mental faculties and physical coordination are substantially impaired (DUIs are excluded). Table 11 presents the number of liquor law and drunkenness arrests in Utah from 2015-2019. The data clearly show a marked decline in both the number of liquor law arrests and drunkenness arrests extending back to 2012. However, the number of adult drunkenness offenses did show an increase for the first time in 2019. As with any arrest indicator, when interpreting the data, it is

important to consider whether changes in the data reflect a change in prevalence of the behaviors or a change in the level of enforcement. In this case, the data may reflect a decrease in the prevalence of liquor law violations and drunkenness, or perhaps, a decrease in enforcement level or priority for these violations (or both).

Table 11. Number of Arrests for Liquor Law and Drunkenness Offenses in Utah 2015-2019

	Adult					Juvenile				
	2015	2016	2017	2018	2019	2015	2016	2017	2018	2019
Liquor Law Offenses	3,687	3,554	3,475	3,281	3,072	787	808	779	742	655
Drunkenness	3,191	3,062	3,019	2,912	3,057	78	87	46	58	55

Source: Utah Department of Public Safety-Bureau of Criminal Identification

Adjudication of Alcohol Related Offenses: Underage Drinking

Based on data provided by the AOC, there were 2,159 charges for underage drinking offenses filed in Justice Court in calendar year 2020. Of the cases judged, 616 cases ended in conviction. In District Court, a total of 222 charges were filed in calendar year 2020, and 46 of the cases judged ended in conviction. The percentage of cases ending in conviction for both Justice and District courts was lower than previous years, and this may be attributable to disruptions to court services during the COVID-19 pandemic in 2020. In Juvenile Court, there were 143 charges filed for underage drinking offenses, which was similar to 2018 and 2019 (after a sharp decline from 311 in 2017). Dispositions for Juvenile Court cases were not available. Table 12 presents a summary of underage drinking charges and cases for each of the three courts for 2017-2020. Overall, there has been a clear and consistent decreasing trend in the number of underage drinking charges filed and the number of convictions for all three courts since 2014 (the first year of data collected by the AATC).

More specifically, Justice Court charges files have decreased 39% (n = 3,543 in 2014), District Court charges have decreased 46% (n = 408 in 2014), and Juvenile Court charges have decreased a dramatic 81% (n = 734) between 2014 and 2020.

Table 12. Utah Underage Drinking Adjudication Data from Justice, District and Juvenile Courts 2017-2020

	Justice Court				District Court				Juvenile Court			
	2017	2018	2019	2020	2017	2018	2019	2020	2017	2018	2019	2020
Charges Filed	2614	2367	2118	2159	288	254	249	222	311	153	154	143
Offense Convictions (Total)	1091	956	763	616	118	98	67	46	n/a	n/a	n/a	n/a
Bail Forfeiture	13	12	13	14								
Guilty	745	676	533	434	102	75	49	38				
Guilty Bench	22	10	13	7								
Guilty Plea	211	166	113	91	1	1	1					
No Contest	100	92	91	70	15	22	17	8				

Source: Utah Administrative Office of the Courts

Violations of the State Alcoholic Beverage Control Act: Over-Serving/Consumption and Sales to Minors

Three agencies provided data to the AATC that shed light on the number of violations among alcohol retailers for over-serving, over-consumption or sales to minors. For off-premise alcohol outlets (grocery stores, convenience stores, gas stations, etc.) the Department of Public Safety (DPS) funds the Utah Eliminating Alcohol Sales to Youth (EASY) compliance check program, which has been implemented since 2007. The State Bureau of Investigation (SBI) conducts

compliance checks and investigations of on-premise alcohol outlets (restaurants, bars, clubs, etc.) for any violations of the state's Alcohol Beverage Control Act, and refers establishments in violation to the Department of Alcoholic Beverage Control (DABC). Both SBI and DABC provided data regarding on-premise compliance checks. Additionally, the State Bureau of Investigation provided data regarding a small number of off-premise compliance checks they conduct each year.

Off-Premise Retail Compliance Checks

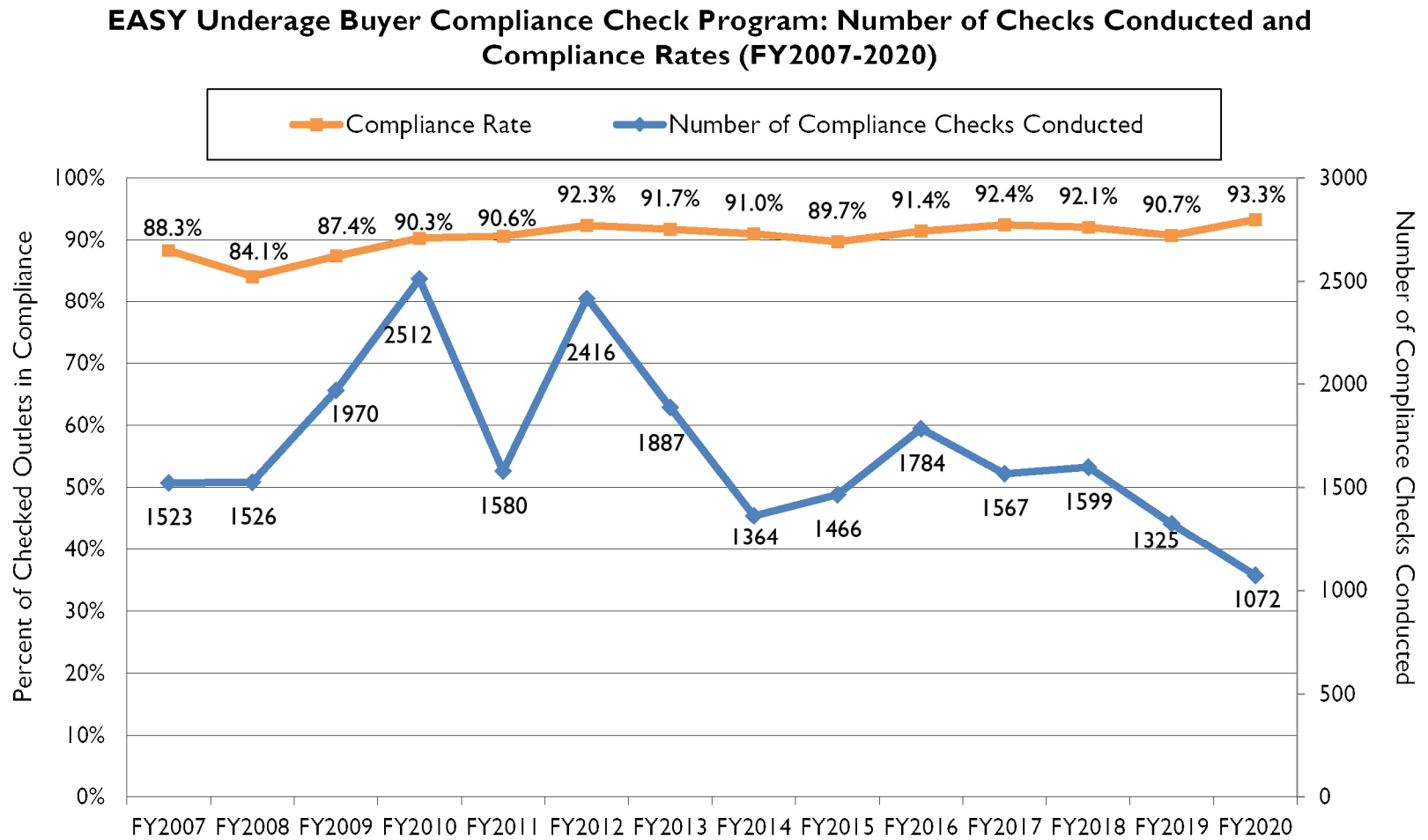
Through the DPS EASY program, covert underage buyers (CUBs) attempt to purchase alcohol from off-premise retailers. If a retailer sells to the CUB, they are considered non-compliant and are warned or cited. Another important component of the EASY program is mandatory retail training for anyone who sells or supervises the sale of beer, which is administered by the Division of Substance Abuse and Mental Health. Through this two-pronged approach (education and enforcement), the effectiveness of the program is enhanced. For the 2020 calendar year, there was a sharp drop in the number of off-premise compliance checks for underage sales that were conducted through the EASY program, from 1,404 in 2019, to only 544. This drop is attributable to the COVID-19 Pandemic which limited the ability of counties to conduct covert underage buying checks between March and September of 2020. Table 13 presents a summary of compliance check data in each of the 11 counties that implemented EASY checks in calendar year 2020, while Figure 5 presents historical data from the EASY program, including the number of outlets checked and the compliance rate for checks through fiscal year 2020 which was less affected by COVID (historical data was not available by calendar year). For calendar year 2020, the compliance rate was nearly 92%, while the compliance rate for FY2020 was just above 93%. Additionally, the State Bureau of Investigation conducted a small number of off-premise retail store checks (11). SBI conducts off-premise compliance checks at the request of smaller law enforcement agencies across the state that do not have the capacity to conduct their own checks. All 11 of the compliance checks conducted by SBI in 2020 were compliant (100% compliance rate).

Table 13. Utah EASY Underage Buyer Compliance Check Program: Compliance Rates by County (2020)*

County	Number of Compliance Checks	Number Compliant	Compliance Rate
Box Elder	30	28	93.3%
Cache	37	34	91.9%
Carbon	2	2	100.0%
Daggett	4	4	100.0%
Davis	72	60	83.3%
Iron	23	21	91.3%
Salt Lake	178	166	93.3%
Tooele	16	14	87.5%
Uintah	24	23	95.8%
Utah	116	109	94.0%
Weber	42	38	91.5%
Total	544	499	91.7%

Source: Utah Department of Public Safety, Highway Safety Office

Figure 5



Source: Department of Public Safety, Highway Safety Office

On-Premise Alcohol Violations

State Bureau of Investigation (SBI) agents make up an Alcohol Enforcement Team (AET) and focus on alcohol enforcement in the State of Utah. The AET focuses primarily on public safety, with an emphasis on service to intoxicated persons, service of alcohol to minors or consumption of alcohol by minors, and DUI. Agents conduct statewide compliance operations and investigations at random or as a result of a tip, complaint, or anonymous report of violation(s). If violation(s) are found, the information is gathered and referred to DABC for administrative action and/or local prosecution in the case of a criminal violation. If the commission or department wants the right to initiate or maintain a disciplinary proceeding on the basis of a violation alleged in a report, the department shall notify the licensee by no later than eight business days from the day on which the department receives the report. The DABC initiates disciplinary proceeding by issuance of a Notice of Agency Action, and the assistant attorney general assigned to the department represents the department and commission in the disciplinary proceeding. Ninety-nine percent of violations are settled out of court, meaning that the establishment pays the fine plus administrative cost. The violation stays on record for three years. If repeat violations occur, the penalties increase up to, and including a \$25,000 fine and revocation of license. During the 2020 calendar year, total fines assessed in Utah were approximately \$260,000 and administrative costs totaled approximately \$7,115. Administrative costs are put into the State General Fund. The total amounts for 2020 were much lower than a typical year, and this is attributable to the COVID-19 pandemic which forced the closures and/or limited openings of restaurants and bars for much of 2020. As such, the 2020 data should be interpreted with caution.

In calendar year 2020, SBI conducted a total of 475 alcohol compliance checks of on-premise alcohol outlets (restaurants and bars/clubs/taverns), which included both Covert Underage Buyer (CUB) operations (299 visits), as well as AET agent visits without an underage buyer (165 visits). These compliance checks are a combination of both random checks as well as visits resulting from tips and complaints received from community members. As a result of SBI compliance checks, approximately 87 cases were referred to DABC for one or more violations in 2020. A total of approximately 148 violations were associated with the 87 cases (an average of 1.7 violations per case). “Sale to a Minor” has historically been the most common violation, representing ~65% of cases in a typical year. The 2020 data were anomalous in this respect, with only 37 of the 87 cases (42%) involving a Sale to a Minor. Violations for “Sale to an Intoxicated Person” are historically rare, and this stayed true in 2020; only 1 of the 87 cases involved Sale to an Intoxicated Person. Instead, for 2020, other types of violations made up the majority of cases and this was likely due to COVID (e.g., Untrained server, Giving away free drinks, Consumption while on duty, Failure to provide background check on management, etc.).

Looking specifically at SBI’s CUB operations, SBI agents conducted CUB checks on 299 on-premise alcohol outlets, resulting in 11 underage sales (compliance rate of 96.3%). Table 14 provides a breakout of SBI CUB compliance checks by type of outlet (both on-premise and off-premise). Please note that the 2020 alcohol sales compliance data were hugely impacted by the COVID-19 Pandemic, both as a result of the closures and capacity restrictions for on-premise retailers and by social distancing protocols that affected the ability of law enforcement to conduct CUB operations.

Table 14. Utah State Bureau of Investigation Covert Underage Buyer (CUB) Compliance Checks by Type of Outlet (2017-2020)

	Restaurants				Bars/Clubs				Retail Stores			
	2017	2018	2019	2020*	2017	2018	2019	2020*	2017	2018	2019	2020*
Number of Outlets Visited	1823	1292	1315	247	368	232	313	52	128	18	46	11
Number Sold to CUB	185	99	82	10	27	8	10	1	26	2	7	0
% in Compliance with Laws	89.9%	92.3%	93.8%	96.0%	92.7%	96.6%	96.8%	98.1%	79.7%	88.9%	84.8%	100.0%

Source: Utah Department of Public Safety, State Bureau of Investigation

*2020 compliance check operations were much smaller scale than typical as a result of the COVID-19 Pandemic.

Consequences of Alcohol Use: Abuse/Dependence, Treatment, and Mortality/Morbidity

This section of the report focuses on data that highlight some of the consequences of alcohol use on individuals and the state. Included are data examining the percent of individuals within the state that are dependent and/or abusing alcohol or in need for alcohol treatment, the number of admissions to

state funded treatment programs for alcohol abuse, and indicators of mortality and morbidity related to alcohol. While these data do not provide a direct metric for understanding the economic costs of alcohol use to the State of Utah, they do begin to shed light on these costs to the state (as well as the emotional and social costs of alcohol consumption).

Estimates of Adult Abuse or Dependence on Alcohol

The National Survey on Drug Use and Health (NSDUH) provides state level estimates of the number of adults who were categorized as being dependent or abusing alcohol in the past year at the time of the survey. Dependence or abuse categorization is based on definitions found in the 4th edition of the American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders (DSM-IV). Based on NSDUH data, 4.5% of Utah adults 18 and older (approximately 101,000) were estimated to be dependent or abusing alcohol in 2019 (vs. 5.7% for the nation). This was a decrease from estimates for 2017 and

2018, essentially returning to the 2016 estimate. Rates for younger adults (18-25 years old) were much higher, with 7.7% of adults in that age group categorized for dependence/abuse. Table 15 presents historical data, as well as breakouts by age for alcohol dependence and abuse. Rates have fluctuated in recent years with an upward trend between 2012 and 2014, followed by a mostly downward trend between 2014 and 2019. Note: due to increases in the population of the state over time, rate provides a better indicator for comparisons over time, while the estimated number of adults provides a more tangible indicator of the magnitude of the problem.

Table 15. The Estimated Number and Rates of Adults in Utah with Dependence or Abuse of Alcohol by Age (2015-2019)

	2015		2016		2017		2018		2019	
	Est. Number	Percent	Est. Number	Percent	Est. Number	Percent	Est. Number	Percent	Est. Number	Percent
18-25 years	37,000	9.9%	34,000	8.7%	35,000	8.9%	32,000	8.1%	31,000	7.7%
26+ years	68,000	4.1%	62,000	3.7%	79,000	4.5%	72,000	4.1%	70,000	3.8%
Total (18+ years)	105,000	5.2%	96,000	4.6%	114,000	5.3%	104,000	4.8%	101,000	4.5%

Source: National Survey of Drug Use and Health (NSDUH)

Estimates of Youth in Need of Alcohol Treatment

The Utah Student Health and Risk Prevention Survey provides estimates of the percentage of youth that are in need of alcohol treatment. Treatment need is based on indication of a high volume of alcohol use during the past 30 days (10+ occasions), as well as responses to six items measuring the extent to which alcohol use interfered or disrupted aspects of the youth's life during the past year (e.g., spent more time using than expected, others objected to your use, using to relieve feelings of sadness, anger or boredom, etc.). Table 16 presents need for alcohol treatment estimates for Utah youth from 2011-2019 by grade level. Rates of treatment need, unsurprisingly, increase with grade (age) similarly to alcohol use rates. Overall, rates of alcohol treatment need in youth have declined steadily over time for all grades, which is consistent with the decreasing youth alcohol use trends presented earlier in this report.

Table 16. Estimates of Utah Youth in Need for Alcohol Treatment by Grade (2011-2019)

	2011	2013	2015	2017	2019
6th Grade	0.2%	0.1%	0.1%	0.1%	0.1%
8th Grade	1.6%	1.0%	0.9%	0.6%	0.8%
10th Grade	3.9%	3.1%	2.5%	2.5%	1.9%
12th Grade	6.0%	4.2%	3.8%	3.4%	2.5%
Grades 6, 8, 10 & 12 Combined	2.9%	2.1%	1.7%	1.6%	1.3%

Source: Utah Student Health and Risk Prevention Survey

Admissions into State Funded Alcohol Treatment Programs

The Department of Human Services, Division of Substance Abuse and Mental Health (DSAMH) provides data regarding the number of admissions to state funded substance abuse treatment programs, including a breakout of treatment admissions based on primary substance of use. While, alcohol has traditionally been indicated as the primary substance of use at admission for more individuals than any other substance, it was displaced from this position in 2016. In 2020, admissions for alcohol as primary substance of use were second (after methamphetamine, and slightly higher than heroin) for state funded treatment admissions (25.4% of all cases). Table 17 presents the number of treatment admissions in

state funded alcohol treatment programs from 2016-20, as well as the percent of all treatment admissions with alcohol indicated as the primary substance. In 2020, there were 4,322 admissions for individuals with alcohol as the primary substance of use to state funded treatment programs. Since 2012, the number of alcohol treatment admissions has decreased from 6,371 to 4,322 (a 32.2% decrease). The total number of treatment admissions were also decreasing from 2012 (17,264) to 2015 (14,923), but increased dramatically from 2015 to 2019 (19,938). The 2020 data saw a sharp decrease (16,895), but this may be attributable to service disruptions associated with the COVID-19 Pandemic.

Table 17. Utah Adults in State Funded Alcohol Treatment Programs (2016-2020)

	2016		2017		2018		2019		2020	
	Number	Percent of Total	Number	Percent of Total	Number	Percent of Total	Number	Percent of Total	Number	Percent of Total
Adults in State Funded Alcohol Treatment Programs	3,904	25.8%	3,584	23.7%	4,064	21.9%	4,549	22.8%	4,322	25.4%
Total Number of Adults in State Funded Treatment Programs (All Substances)	15,111	100.0%	15,128	100.0%	18,572	100.0%	19,938	100.0%	17,004	100.0%

Source: Utah Department of Human Services, Division of Substance Abuse and Mental Health

Alcohol Related Mortality and Morbidity Indicators

In addition to abuse and dependence, alcohol is associated with a variety of health consequences, both acute and chronic. Table 18 presents data for several types of mortality and morbidity associated with alcohol use. These data were queried from the Utah Department of Health's Indicator Based Information System (IBIS). Emergency department (ED) encounters for alcohol overdose provide a useful measure of acute alcohol poisoning incidents⁶. Likewise, alcohol poisoning fatalities and homicides⁷ provide acute mortality data related to alcohol use. The other mortality indicators represent chronic health issues that result from longer term alcohol use.

Another important consequence of alcohol use that results in loss of life, injury and property damage is alcohol related motor vehicle crashes (ARMVC). In 2019 (most recent data available), there were 1,928 ARMVC total. Prior to 2018 the total number of alcohol related crashes had generally been trending down since 2014. The increase in the number of alcohol crashes observed in 2018 was sustained in 2019 when the number of crashes was virtually the same. Of the total

ARMVC for 2019, 39 resulted in fatality and 786 resulted in injury (both significant decreases from 2018 despite similar numbers of total alcohol crashes). Table 19 presents the number and rate of ARMVC resulting in: a) fatalities, b) injury, and c) fatalities, injury, or property damage (all ARMVC) from 2015 to 2019. Figure 6 presents data that provide a greater historical perspective on fatal and injury ARMVC. Based on these data, it is apparent that both the rate of injury ARMVC and the rate of fatal ARMVC declined overall from 2008 to 2012 (dramatically for injury, and with some fluctuation from year to year for fatalities). Rates for injury crashes continued to decline through 2019 with only a few years as exceptions to the rule. Rates for fatal crashes have fluctuated, with a noticeable uptick in 2017 and 2018, before decreasing toward the mean in 2019.

⁶ It is important to note that the ED encounters database switched from an ICD-9 based coding system to ICD-10 in the third quarter of 2015. As a result, 2015 data are not available, and pre-2015 data are not comparable to data queried after 2015.

⁷ According to the Center for Disease Control and Prevention's Alcohol-Related Disease Impact Program, approximately 47% of homicides are attributable to alcohol use.

Table 18. Rates and Numbers of Alcohol Related Mortality and Morbidity in Utah (2015-2019)

	2015		2016		2017		2018		2019	
	Number	Rate per 100,000*	Number	Rate per 100,000*	Number	Rate per 100,000*	Number	Rate per 100,000*	Number	Rate per 100,000*
Alcoholic Liver Disease (Cirrhosis) Fatalities (ICD-10: K70)	140	5.28	140	4.94	136	4.89	158	5.51	145	4.89
Other Cirrhosis Fatalities (ICD-10: K73, K74)	102	3.94	93	3.49	107	3.92	129	4.51	116	3.92
Alcoholism Fatalities (ICD-10: F10)	85	3.04	94	3.34	86	3.05	120	4.16	109	3.63
Homicides (ICD-10: X85-Y09, Y87.1)	58	1.86	80	2.54	79	2.57	67	2.19	82	2.58
Alcohol Poisoning Fatalities (ICD-10: X45, Y15, T51.0, T51.1, T51.9)	27	1.04	34	1.24	27	0.96	23	0.78	24	0.83
Emergency Department Encounters for Alcohol Overdose (Through 2014-ICD-9: 980; 2016 and later-ICD-10: T51)	Not available		669	23.1	578	19.4	478	15.6	398	12.8

*Age-adjusted rates per 100,000 population

Source: Utah Department of Health

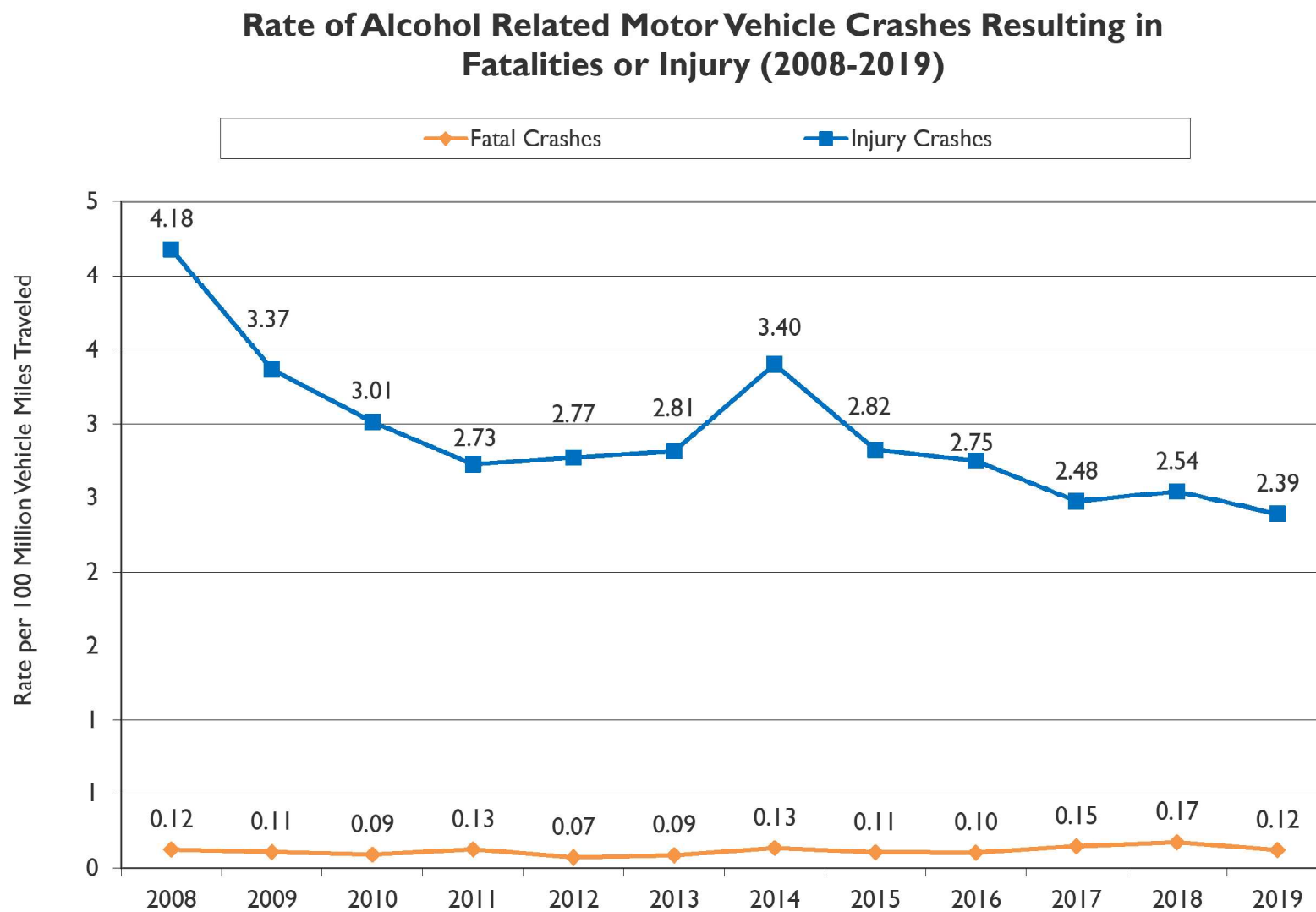
Table 19. Alcohol Related Motor Vehicle Crashes in Utah (2015-2019)

	2015		2016		2017		2018		2019	
	Number	Rate per 100M VMT	Number	Rate per 100M VMT	Number	Rate per 100M VMT	Number	Rate per 100M VMT	Number	Rate per 100M VMT
Alcohol Related Motor Vehicle Crashes-Fatal	31	0.11	32	0.1	46	0.15	56	0.17	39	0.12
Alcohol Related Motor Vehicle Crashes-Injury	830	2.82	846	2.75	780	2.48	819	2.54	786	2.39
Alcohol Related Motor Vehicle Crashes-Total (Fatal, Injury and Property Damage)	2,021	6.88	1,970	6.4	1,825	5.79	1,915	5.94	1,928	5.85

Rate per 100 million vehicle miles traveled

Source: Utah Department of Public Safety

Figure 6



Costs of Excessive Alcohol Consumption in Utah

This section of the report highlights some of the costs of alcohol consumption in Utah. Excessive alcohol use can exact a high cost on those who use it, their families, communities, and society overall. These costs may be expressed in terms

of dollars and cents, negative behavioral health outcomes, physical disease, and/or loss of human lives. Highlighted below are findings from two studies that examine the costs of alcohol from different perspectives applied to the State of Utah.

Alcohol Attributable Deaths and Years of Potential Life Lost

Excessive alcohol use⁸ is one of the top five preventable causes of death in the United States. In July 2020, a study published in the Centers for Disease Control and Prevention's (CDC) Morbidity and Mortality Weekly Report⁹ highlighted the costs of excessive or risky alcohol use in terms of human lives. The study complements data found on the CDC's Alcohol Related Disease Impact (ARDI) Application website, which provides updated data and allows users to query ARDI data by state¹⁰. The first indicator examined in the study, alcohol attributable deaths (AAD), provides an estimate of the number of actual deaths associated with 58 causes known to be attributable to alcohol to some degree. In simplified terms, the first step in calculating AADs consists of multiplying the number of deaths for each cause by an alcohol-attributable fraction (AAF) that represents the estimated proportion of deaths from that cause that is attributable to alcohol use. AAFs can range from 1.0 (causes of death that are 100% attributable to alcohol such as alcohol poisoning) to .01 (causes of death that are only 1% attributable to alcohol). Next, the number of attributable deaths for each of the 58 causes was added to provide the total number of AADs. The second indicator, years of potential life lost (YPLL) as a result of excessive alcohol use, is a statistic that estimates the number of years those who died from alcohol related causes would likely have lived based on the life expectancy of the individual at the time of their death. For example, YPLL for a male who dies at the age of 25 in an alcohol related motor vehicle crash would be 50 years because the life expectancy of a 25 year old male is 75 years ($75 - 25$ [actual age of death] = 50 YPLL).

Based on the data, there were 686 alcohol attributable deaths in Utah between 2011-2015, representing a rate of 26.1 deaths per 100,000 population, which was slightly lower than the national rate of 27.4. The state with the lowest rate was Hawaii at 17.1 (per 100,000 pop), and the state with the highest rate was New Mexico at 52.3. Males accounted for just over two-thirds (68%) of the AAD burden in Utah, and in terms of age, the highest rate percentage of AADs were in the 50-64 age group (34%), followed by 35-49 year olds (25%). In regards to YPLL, there were 21,803 YPLL to excessive alcohol use in Utah between 2011-2015, a rate of 751 YPLL per 100,000 population. Utah's rate of YPLL was lower than the nation (847.7). New York had the lowest rate of YPLL at 614, and New Mexico again had the highest rate at 1652. In Utah, the average YPLL per alcohol attributable death between 2011-2015 was 31.9 years.

In summary, excessive alcohol use was responsible for an estimated 686 preventable deaths and 21,937 YPLL in Utah between 2011 and 2015. Given the increase in the state's population since 2015 (over 250,000 additional residents lived in Utah in 2020), the annual toll of excessive alcohol use in human lives has certainly increased since these data were compiled. Clearly, even in Utah where alcohol use rates and alcohol morbidity/mortality are low relative to the nation, the cost of excessive alcohol use in human lives is substantial.

⁸ Excessive alcohol use was defined as: binge drinking (4 or more drinks per occasion for women; 5 or more drinks per occasion for men), heavy drinking (more than 1 drink per day on average for women; more than 2 drinks per day on average for men), any alcohol consumption by individuals under the age of 21, and any alcohol consumption by pregnant women.

⁹ Esser, M.B., Sher, A., Liu, Y., et al., MMWR Morb Mortal Wkly Rep 2020;69,981-987.

¹⁰ https://nccd.cdc.gov/DPH_ARDI

Economic Costs of Excessive Alcohol Consumption

A 2011 study published in the American Journal of Preventive Medicine¹¹ estimated the costs associated with excessive alcohol consumption in the United States in 2006. The study builds on previous studies that estimate the cost of alcohol abuse using guidelines for a “cost of illness” methodology widely used in estimating the economic burden of various diseases. Based on data examined in the study, the estimated economic cost of excessive alcohol use in the United States in 2006 was \$223.5 billion, which equated to approximately \$1.90 per standard alcoholic drink consumed. The study defined excessive alcohol use as any of the following: a) binge drinking (4 or more drinks in a row per occasion for women; 5 or more drinks for men), b) heavy drinking (an average of more than 1

drink per day for women; more than 2 drinks per day for men), c) any underage alcohol consumption, and d) any alcohol consumption by pregnant women. An in-depth analysis of alcohol related cost was conducted by examining the cost of a wide array of alcohol related consequences within the following categories: a) health care, b) productivity losses, and c) other effects such as property damage. Table 20 provides examples of the cost items included in each of the categories included in the study.

¹⁰ Bouchery, E.E., Harwood, H.J., Sacks, J.J., Simon, C.J., & Brewer, R.D. (2011). Economic Costs of Excessive Alcohol Consumption in the U.S., 2006. *American Journal of Preventive Medicine*, 41(5), 516-524.

Table 20. Cost Categories and Example Cost Items Included in Analyses of the Economic Costs of Excessive Alcohol Consumption

Category	Examples
Health Care Costs <i>associated with treatment and prevention services, and alcohol related disease</i>	<i>Specialty care for alcohol abuse/dependency, Hospitalizations for 54 conditions associated with alcohol attributable deaths, Fetal alcohol syndrome, Health insurance administration, Alcohol prevention and research, etc.</i>
Lost Productivity Costs <i>due to alcohol related illness, disability or death</i>	<i>Impaired work productivity, Impaired home productivity, Mortality/Loss of life, Absenteeism, Incarceration of perpetrators, Crime victims, etc.</i>
Other Effects of Alcohol <i>including property damage, criminal justice costs, etc.</i>	<i>Criminal justice, Motor vehicle crashes, Fire losses, Crime victim property damage, Fetal alcohol syndrome-special education costs, etc.</i>

Economic Costs of Excessive Alcohol Consumption, Continued

The study provides a breakdown of the costs of excessive alcohol consumption both regarding cost categories as well as who bears the costs. Of the \$223.5 billion associated with excessive alcohol consumption in 2006, the majority (72.2%) of alcohol related costs were associated with lost productivity. Health care costs came in a distance second place (11%), followed closely by criminal justice costs (9.4%), and finally other effects (7.5%). In terms of who bears the cost of excessive alcohol, costs were attributed to four entities: a) the federal government, b) state governments, c) the alcohol user and family, or d) others in society. The largest burden of excessive alcohol use costs were bore by the alcohol user/family (41.5%), followed by state governments (23.9%), the federal government (18.2%), and others in society (16.3%). From a cost per drink perspective, the cost to state governments was approximately \$0.45 per drink, and \$0.35 per drink for the federal government.

Using the per drink cost estimate for state governments from the study, it is possible to estimate the economic cost of excessive alcohol consumption in Utah. The National Institute on Alcohol Abuse and Alcoholism (NIAAA) tracks

alcohol consumption at the state level through alcohol sales data collected in the Alcohol Epidemiological Data System (AEDS). In Utah, estimates of wine and spirits (liquor) consumption are collected by NIAAA from the state's DABC. Beer consumption estimates are based on industry sales/shipment data provided by the Beverage Information Group which tracks volumes of alcoholic beverage shipment data for each state¹². For 2019 (most recent data available), the AEDS reported that approximately 38.1 million gallons of alcohol were consumed in Utah (81.2% of which was beer, 9.7% wine, and 9.1% spirits), equating to approximately 3.3 million gallons of ethanol (pure alcohol)¹³. Based on these alcohol consumption data, there were approximately 703.6 million "standard drinks" (SD) of alcohol consumed in Utah in 2019¹⁴. Using the study estimates of state burden (\$0.45 per standard drink), the cost of excessive alcohol use to the State of Utah was over \$316.6 million in 2019. Table 21 presents the estimates of the costs of excessive alcohol use in Utah by category and burden.

¹² Industry estimates are more useful for beer sales because the Utah DABC tracks the sale of "heavy beers" sold at state liquor stores, and does not track beer sold at grocery stores, restaurants, and other retail outlets which accounts for the majority of beer consumed.

¹³ https://pubs.niaaa.nih.gov/publications/surveillance117/tab2_19.htm

¹⁴ A standard drink contains .6 fluid ounces of pure alcohol (ethanol). A typical beer is equal to one standard drink, as would a 5 ounce serving of wine, or a 1.45 ounce serving of 80 proof liquor.

Table 21. Estimated Costs of the Excessive Use of Alcohol in Utah in 2019

Category	Formula	Amount
State Government Burden	State = 703.6 (SD) * \$0.45 per drink	\$316.6 million
Federal Government Burden	Federal = 703.6 * \$0.35 per drink	\$246.3 million
Alcohol User (and Family) Burden	User = 703.6 * \$0.79 per drink	\$555.8 million
Others in Society Burden	Others = 703.6 * \$0.31 per drink	\$218.1 million
Total Costs of Excessive Alcohol in Utah	Total = 703.6 * \$1.90 per drink	\$1.34 billion

Environmental Strategies for Reducing Excessive Alcohol Consumption in Utah

Increased focus on strategies recommended by the Community Preventive Services Task Force in The Community Guide could reduce the frequency, intensity, and ultimately the prevalence of binge drinking, as well as the health and social costs related to it. The Community Preventive Services Task Force is an independent body of public health and prevention experts. The Task Force findings and recommendations for intervention strategies to prevent excessive alcohol consumption are based on systematic reviews of the available evidence. Below are five of the ten recommended strategies and how they are employed in Utah¹⁵.

Strategies to increase alcohol prices have proven effective in reducing consumption, leading to fewer deaths and injuries due to motor vehicle crashes, liver disease, violence, and other alcohol-related problems. For every 10% increase in price, alcohol consumption is expected to decrease by more than 7 percent. Utah directly controls the sale of alcoholic beverages at both the retail and wholesale levels. Recent changes to Utah legislation increased the markup on spirituous liquor, wine, and heavy beer by 2 percent¹⁶.

Commercial host liability laws are laws that permit alcohol retail establishments to be held liable for injuries or harms caused by illegal service to intoxicated or underage customers. In states with commercial host liability there was a median 6.4 percent reduction in deaths resulting from motor vehicle crashes. According to the CDC's Prevention Status Report on Alcohol Related Harms, as of January 1, 2015, Utah had commercial host liability with major limitations. A state's commercial host liability law was considered to have major limitations if it 1) covered

underage patrons or intoxicated adults but not both, 2) required increased evidence for finding liability, 3) set limitations on damage awards, or 4) set restrictions on who may be sued¹⁷.

Regulation of alcohol outlet density refers to the monitoring of the number and concentration of alcohol retailers (e.g. bars, restaurants, and liquor stores) in an area. Higher alcohol outlet density is associated with excessive alcohol use and related harms, including injuries and violence. On the local level, alcohol outlet density is often regulated by licensing or zoning regulations. In Utah the total number of liquor stores is also tied to the state population. One store is permitted for every 48,000 citizens¹⁸.

Enhanced enforcement of laws prohibiting sales to minors through retailer compliance checks and sanctions is effective in reducing sales of alcohol to minors in commercial settings by a median of 42 percent. In CY2017, Utah had a compliance rate of 91.3 percent for off-premise compliance checks for underage sales through the Eliminate Alcohol Sales to Youth (EASY) Program.

Maintaining existing limits on the hours during which alcoholic beverages are sold at on premise outlets is also recommended as another strategy for preventing alcohol-related harms. Increasing hours of sale by two or more hours is associated with an increase in alcohol related harms. Utah has limits on hours of sale depending on the license type. Recent legislation modified hours of sale for certain on premise outlets to be increased by 1 hour.

¹⁵ Community Preventive Services Task Force Community Guide, Alcohol Section

¹⁶ Utah State Legislature, 2017, House Bill 442: Alcohol Amendments

¹⁷ Centers for Disease Control, Prevention Status Reports, Alcohol Related Harms, Utah

¹⁹ Utah Department of Alcoholic Beverage Control

Limitations and Future Directions

The annual AATC report continues to provide updated data that serve as a solid foundation for alcohol policy discussion. The data presented here afford policy makers the opportunity to understand the impact of alcohol consumption in Utah on a variety of levels. In particular, the report provides a valuable summary of: a) alcohol consumption rates among Utah youth and adults, b) alcohol related arrests and court charges associated with DUI, underage drinking, and violations of the state's Alcoholic Beverage Control Act, c) mortality and morbidity associ-

ated with alcohol use in our state, and d) considerations regarding the costs of excessive alcohol use in our state.

The AATC will continue to identify additional data that are relevant to the committee's mission, and present these data in future editions. Additionally, the AATC is open to feedback from the governor and the Legislature regarding how to make the report more useful in future editions.

Attachments

Acronyms Alcohol Abuse Tracking Committee

<u>Acronym</u>	<u>Description</u>
AAD	Alcohol Attributable Deaths
AATC	Alcohol Abuse Tracking Committee
AEDS	Alcohol Epidemiological Data System
AET	Alcohol Enforcement Team
AOC	Administrative Office of the Courts
ARMVC	Alcohol Related Motor Vehicle Crashes
BRFSS	Behavioral Risk Factor Surveillance System
CCJJ	Commission on Criminal and Juvenile Justice
CDC	Center of Disease Control and Prevention
COVERT	Undercover
CUB	Covert Underage Buyer
DABC	Department of Alcoholic Beverage Control
DHS	Department of Human Services
DLD	Driver License Division
DOH	Department of Health
DPS	Department of Public Safety
DSAMH	Division of Substance Abuse and Mental Health
DUI	Driving Under the Influence
DTS	Department of Technology Services
EASY	Eliminating Alcohol Sales to Youth
Epi Profile	Utah State Substance and Abuse Epidemiological Profile
IBIS	Indicator Based Information System (Utah Department of Health)
NIAAA	National Institute on Alcohol Abuse and Alcoholism
NSDUH	National Survey on Drug Use in Households
PFL	PRIME For Life®
PRI	Prevention Research Institute
SBI	State Bureau of Investigation
SD	Standard Drink (approximately .6 fluid ounces of pure alcohol)
SEOW	Statewide Epidemiological Outcome Workgroup
SHARP	Student Health and Risk Prevention (survey)
UHSO	Utah Highway Safety Office
USAAV	Utah Substance Abuse Advisory
YPLL	Years of Potential Life Lost

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(updated June 2021)

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*For informational purposes only

Alcohol Abuse Tracking Committee Resources

(updated June 2021)

Alcohol Epidemiological Data System	https://pubs.niaaa.nih.gov/publications/surveillance.htm
Parents Empowered	http://www.parentsempowered.org
CCJJ DUI Annual Report	https://justice.utah.gov/wp-content/uploads/2020-DUI-Annual-Report-Final-1.pdf
Mothers Against Drunk Driving	http://www.madd.org
Utah Department of Public Safety	
- Administrative Services	http://publicsafety.utah.gov/admin
- Driver License Division	http://dld.utah.gov/
- State Bureau of Investigation (Alcohol Enforcement)	http://sbi.utah.gov/alcohol-enforcement-team/
- Highway Safety	http://highwaysafety.utah.gov/
EASY	http://highwaysafety.utah.gov/drunkdriving/easy/
Impaired Driving	http://highwaysafety.utah.gov/drunkdriving/impaired-driving/
DABC	https://abc.utah.gov/
Utah Department of Health	
- Indicator Based Information System	http://health.utah.gov/ https://ibis.health.utah.gov
Utah State Courts	http://www.utcourts.gov/index.html
SEOW Social Indicators Data System	http://indicators.bach-harrison.com/utsocialindicators/
SHARP Survey	https://dsamh.utah.gov/reports/sharp-survey
BRFSS	https://www.cdc.gov/brfss/brfssprevalence/index.html

UTAH DUI STATUTORY OVERVIEW¹

(Current as of May 4, 2021)

Court-Ordered Sentencing	MISDEMEANOR DUI			
	FIRST CONVICTION	FIRST CONVICTION	SECOND CONVICTION WITHIN 10 YEARS	SECOND CONVICTION WITHIN 10 YEARS
CLASSIFICATION (§41-6a-503)	CLASS B MISDEMEANOR CLASS A MISDEMEANOR: <ul style="list-style-type: none"> if bodily injury³ if passenger is under 16⁴ if passenger is under 18 and driver is 21 or older if driving in the wrong direction on a freeway or controlled-access highway 	CLASS B MISDEMEANOR CLASS A MISDEMEANOR: <ul style="list-style-type: none"> if bodily injury³ if passenger is under 16⁴ if passenger is under 18 and driver is 21 or older if driving in the wrong direction on a freeway or controlled-access highway 	CLASS B MISDEMEANOR CLASS A MISDEMEANOR: <ul style="list-style-type: none"> if bodily injury³ if passenger under 16⁴ if passenger is under 18 and driver is 21 or older if driving in the wrong direction on a freeway or controlled-access highway 	CLASS B MISDEMEANOR CLASS A MISDEMEANOR: <ul style="list-style-type: none"> if bodily injury³ if passenger is under 16⁴ if passenger is under 18 and driver is 21 or older if driving in the wrong direction on a freeway or controlled-access highway
Jail (§41-6a-505)	SHALL order: 2 days OR 48 hours compensatory service MAY: Suspend jail time if individual is participating in 24/7 sobriety program. ⁶	SHALL order not less than: <ul style="list-style-type: none"> 5 days OR 2 days AND 30 days consecutive electronic home confinement⁴ that includes substance abuse testing MAY: Suspend jail time if individual is participating in 24/7 sobriety program. ⁶	SHALL order not less than: <ul style="list-style-type: none"> 10 days OR 5 days AND 30 days electronic home confinement⁴ that includes substance abuse testing MAY: Suspend jail time if individual is participating in 24/7 sobriety program AND serves: <ul style="list-style-type: none"> 5 days jail for a second offense or 10 days jail for third/subsequent offense.⁶ 	SHALL order: <ul style="list-style-type: none"> Not less than 20 days jail OR 10 days jail AND 60 consecutive days electronic home confinement⁴ that includes substance abuse testing OR Not less than 10 days jail AND substance abuse tx (if tx is more likely to reduce recidivism and is in interest of public safety) MAY: Suspend jail time if individual is participating in 24/7 sobriety program AND serves: <ul style="list-style-type: none"> 5 days jail for a second offense; or 10 days jail for third/subsequent offense.⁶
Fine, Surcharge, and Court Security Fee (§41-6a-505) (§51-9-401)	SHALL order: \$700 minimum fine plus a \$630 surcharge plus a \$60 court security fee (justice court) or \$53 (district court)	SHALL order: \$700 minimum fine plus a \$630 surcharge plus a \$60 court security fee (justice court) or \$53 (district court)	SHALL order: \$800 minimum fine plus a \$720 surcharge plus a \$60 court security fee (justice court) or \$53 (district court)	SHALL order: \$800 minimum fine plus a \$720 surcharge plus a \$60 court security fee (justice court) or \$53 (district court)
Screening, Assessment, Educational Series, and Treatment (§41-6a-505)	SHALL order: <ul style="list-style-type: none"> Screening Assessment (if found appropriate by screening) Educational series, unless treatment is ordered 	SHALL order: <ul style="list-style-type: none"> Screening Assessment (if found appropriate by screening) Educational series, unless treatment is ordered 	SHALL order: <ul style="list-style-type: none"> Screening Assessment (if found appropriate by screening) Educational series, unless treatment is ordered 	SHALL order: <ul style="list-style-type: none"> Screening Assessment (if found appropriate by screening) Educational series, unless treatment is ordered

	MAY order: • Treatment • 24-7 sobriety program	MAY order: • Treatment • 24-7 sobriety program	MAY order: • Treatment • 24-7 sobriety program	MAY order: • Treatment • 24-7 sobriety program
Supervised Probation⁷ (§41-6a-507)	MAY order supervised probation	SHALL order supervised probation	SHALL order supervised probation	SHALL order supervised probation
Ignition Interlock⁸ (§41-6a-518) (§41-6a-530)	SHALL order unless: • The court determines and states on the record that an ignition interlock system is not necessary for the safety of the community and in the best interest of justice. SHALL order: • Interlock if under ²¹ Interlock for an ARD ⁹ violation OR describe on the record why such order not appropriate	SHALL order unless: • The court determines and states on the record that an ignition interlock system is not necessary for the safety of the community and in the best interest of justice. SHALL order: • Interlock if under ²¹ Interlock for an ARD ⁹ violation OR describe on the record why such order not appropriate	SHALL order unless: • The court determines and states on the record that an ignition interlock system is not necessary for the safety of the community and in the best interest of justice. SHALL order: • Interlock if under ²¹ Interlock for an ARD ⁹ violation OR describe on the record why such order not appropriate.	SHALL order unless: • The court determines and states on the record that an ignition interlock system is not necessary for the safety of the community and in the best interest of justice. SHALL order: • Interlock if under ²¹ Interlock for an ARD ⁹ violation OR describe on the record why such order not appropriate
Increased Sentencing (§41-6a-505)		SHALL order unless described on the record why the order(s) not appropriate: • Treatment and One or more of the following: • Interlock • Ankle attached continuous transdermal alcohol monitoring device • Electronic home confinement		SHALL order unless described on the record why the order(s) not appropriate: • Treatment and One or more of the following: • Interlock • Ankle attached continuous transdermal alcohol monitoring device • Electronic home confinement
Driver License Suspension (§41-6a-509)	Court MAY order additional 90 days, 120 days, 180 days, one year or two years	Court MAY order additional 90 days, 120 days, 180 days, one year or two years	Court MAY order additional 90 days, 120 days, 180 days, one year or two years	Court MAY order additional 90 days, 120 days, 180 days, one year or two years
Impaired Driving (§41-6a-502.5)	A conviction may NOT be entered as impaired driving if: • BAC .16 or higher; • BAC .05 or higher + any measurable controlled substance; or • Combination of two or more controlled substances			

¹ The DUI Statutory Overview was formerly called the DUI Sentencing Matrix. However, unlike the Sentencing and Release Guidelines matrices this document does not use evidence-based practices, criminal history, and the current offense to suggest a criminal sentence. Instead, this document is intended to give an overview of penalties required by Driving Under the Influence Offenses, Utah Code Title 41, Chapter 6a, Part 5 and therefore has been renamed. It is a reference and overview for ease of use and greater transparency to assist in sentencing individuals convicted or sanctioned pursuant to Utah Code Title 41, Chapter 6a, Part 5. The DUI Statutory Overview is not a substitute for reference to the Utah State Code. It does not constitute legal advice and is not legally binding. It does not create any right or expectation on behalf of an offender or any party within the criminal justice system.

² A combination of two or more controlled substances may only be considered if the substances are not (A) prescribed by a licensed physician; or (B) recommended in accordance with Title 26, Chapter 61a, Utah Medical Cannabis Act.

³ A person is guilty of a separate offense for each victim suffering bodily injury, serious bodily injury or death, whether or not the injuries arise from the same episode of driving.

⁴ A person is guilty of a separate offense for each passenger in the vehicle at the time of the offense that is under 16 years old.

⁵ See §41-6a-506 for electronic home confinement provisions.

⁶ If an individual fails to successfully complete all the requirements of the 24/7 sobriety program, the court shall impose the suspended jail sentence or prison sentence.

⁷ Supervised probation is also required for all violations of §41-6a-517(14)(a) (driving with any measurable controlled substance or metabolite in the body).

⁸ Adoption of the ignition interlock restricted driver (IRD) provision (§41-6a-518.2) does not change the obligation of judges to impose interlock as a condition of probation. Note: If a person's violation of Section 41-6a-502 does not involve alcohol, the requirement to order ignition interlock does not apply.

⁹ ARD = Alcohol Restricted Driver.

UTAH DUI STATUTORY OVERVIEW¹

(Current as of May 4, 2021)

Court-Ordered Sentencing		FELONY DUI
CLASSIFICATION (§41-6a-503)	THIRD DEGREE FELONY <ul style="list-style-type: none"> • if third or subsequent offense within 10 years • if serious bodily injury² • if any prior felony DUI conviction or automobile homicide¹ conviction 	THIRD DEGREE FELONY PLUS: <ul style="list-style-type: none"> • BAC .16 or higher • BAC .05 or higher + any measurable controlled substance • Combination of two or more substances³
Jail (§41-6a-505)	SHALL order: 0-5 year prison term OR <ul style="list-style-type: none"> • 60 days jail AND • 60 days consecutive electronic home confinement that includes substance abuse testing 	SHALL order: 0-5 year prison term OR <ul style="list-style-type: none"> • Not less than 120 days jail AND • 120 days consecutive electronic home confinement that includes substance abuse testing
Fine, Surcharge, and Court Security Fee (§41-6a-505) (§51-9-401)	SHALL order: \$1,500 minimum fine plus a \$1,350 surcharge plus a \$53 court security fee, UNLESS a 0-5 prison term is imposed	SHALL order: \$1,500 minimum fine plus a \$1,350 surcharge plus a \$53 court security UNLESS a 0-5 prison term is imposed
Screening, Assessment, Educational Series, and Treatment (§41-6a-505)	SHALL order: <ul style="list-style-type: none"> • Screening • Assessment • Treatment as appropriate UNLESS 0-5 prison term is imposed MAY order: <ul style="list-style-type: none"> • 24-7 sobriety program⁴ 	SHALL order: <ul style="list-style-type: none"> • Screening • Assessment • Treatment as appropriate UNLESS 0-5 prison term is imposed MAY order: <ul style="list-style-type: none"> • 24-7 sobriety program⁴
Supervised Probation⁵ (§41-6a-507)	SHALL order supervised probation if 0-5 prison term is not imposed	SHALL order supervised probation if 0-5 prison term is not imposed
Ignition Interlock⁶ (§41-6a-518) (§41-6a-530)	SHALL order unless: <ul style="list-style-type: none"> • The court determines and states on the record that an ignition interlock system is not necessary for the safety of the community and in the best interest of justice. 	SHALL order unless: <ul style="list-style-type: none"> • The court determines and states on the record that an ignition interlock system is not necessary for the safety of the community and in the best interest of justice.
Driver License Suspension (§41-6a-509)	<ul style="list-style-type: none"> • Court MAY order additional 90 days, 120 days, 180 days, one year or two years 	Court MAY order additional 90 days, 120 days, 180 days, one year or two years

¹ The DUI Statutory is intended to give an overview of penalties required by Driving Under the Influence Offenses, Utah Code Title 41, Chapter 6a, Part 5. It is a reference and overview for ease of use and greater transparency to assist in sentencing individuals convicted or sanctioned pursuant to Utah Code Title 41, Chapter 6a, Part 5. The DUI Statutory Overview is not a substitute for reference to the Utah State Code. It does not constitute legal advice and is not legally binding. It does not create any right or expectation on behalf of an offender or any party within the criminal justice system.

² A person is guilty of a separate offense for each victim suffering bodily injury, serious bodily injury or death, whether or not the injuries arise from the same episode of driving.

³ A combination of two or more controlled substances may only be considered if the substances are not (A) prescribed by a licensed physician; or (B) recommended in accordance with Title 26, Chapter 61a, Utah Medical Cannabis Act.

The following statutory provisions also apply to DUI offenders, although they do not require a court order. Failure to comply carries additional criminal sanctions.¹

Statutory Provisions	FIRST OFFENSE	SECOND OR SUBSEQUENT OFFENSES WITHIN 10 YEARS
Driver License Denial, Suspension, or Revocation		
Driving Under the Influence/ DUI Conviction (§41-6a-509)	If 21 or older: 120 days If 19-20: Longer of one year or until 21st birthday If under 19: Until 21st birthday	If 21 or older: 2 years If 19-20: Longer of 2 years or until 21st birthday If under 19: Until 21st birthday
Driving with Controlled Substance/ Metabolite in Body Conviction (§41-6a-517)	If 21 or older: 120 days If 19-20: Longer of one year or until 21st birthday If under 19: Until 21st birthday	If 21 or older: 2 years If 19-20: Longer of two years or until 21st birthday If under 19: Until 21st birthday
Refusal of Chemical Test (§41-6a-521)	If 21 or older: 18 months If under 21: Longer of 2 years or until 21st birthday	If 21 or older: 36 months If under 21: Longer of 36 months or until 21st birthday
Per se Arrest (§53-3-223) ≥ .05 BAC, impaired to degree unsafe to drive, operating with metabolite of drug in system	If 21 or older: 120 days If under 21: 6 months	If 21 or older: 2 years If under 21: Longer of 2 years of until 21st birthday
Not A Drop (§53-3-231) A person under 21 may not operate a vehicle or motorboat with detectable alcohol in body	If under 21: Until successful completion of substance abuse program recommendation, but not less than 6 months	If under 21: Until successful completion of substance abuse program recommendation, and the longer of 2 years or until 21st birthday
Failure to Install or Removal of Ignition Interlock Device (§53-3-1007)	A person who is an interlock restricted driver (IRD) shall have their driving privilege suspended until they have had an, interlock device installed in their vehicle. If the interlock device is removed prior to the ending date of the interlock restriction period, the driver license shall be re-suspended until an interlock device is re-installed. This suspension may be imposed in addition to other license sanctions as listed above.	
Early License Reinstatement for Drivers Under 21		
Driving Under the Influence/DUI Conviction First Conviction (§41-6a-509)	Court may order shortening of the suspension period after 6 months if the person completes a screening; completes an assessment if appropriate; completes an education series or substance abuse treatment, as deemed appropriate by the court; has not been convicted of a violation of a motor vehicle law during the suspension period; has complied with all terms of probation or all court orders if not ordered to probation; and provides a sworn statement to the court that the person has not unlawfully consumed alcohol during the suspension period.	
Driving with Controlled Substance/ Metabolite in Body Conviction First Conviction (§41-6a-517)	Same as above but sworn statement must include the person has not consumed a controlled substance not prescribed by a practitioner during the suspension period.	
Early License Reinstatement for Drivers 21 or Older		
Driving Under the Influence/DUI Conviction First Conviction (§41-6a-509)	Court may order individual to participate in a 24/7 sobriety program, which allows for early reinstatement of the driving privilege upon payment of driver license reinstatement fees and ignition interlock installation. Provision does not apply if the person refused to submit to a chemical test when arrested for DUI. Person is not able to reinstate their driving privilege unless all other outstanding license sanctions have been cleared.	
Driving with Controlled Substance/ Metabolite in Body Conviction First Conviction (§41-6a-517)	Court may order individual to participate in a 24/7 sobriety program, which allows for early reinstatement of the driving privilege upon payment of driver license reinstatement fees. Provision does not apply if the person refused to submit to a chemical test when arrested for DUI. Person is not able to reinstate their driving privilege unless all other outstanding license sanctions have been cleared.	

Other Sanctions	
<p>IRD – Interlock Restricted Driver (§41-6a-518.2)</p> <p>An “interlock restricted driver” may not operate a motor vehicle without an ignition interlock.</p> <p><u>Note:</u> If a person’s violation of Section 41-6a- 502 does not involve alcohol, or if <u>all</u> offenses are for metabolite convictions under Section 41- 6a-517 (no alcohol involved), IRD does not apply.</p>	<ul style="list-style-type: none"> • 18 months IRD for 1st DUI (§41-6a-502) if over 21 or refused blood draw (§41-6a-520(7)) • 3 years IRD for 1st Driving Without Ignition Interlock Device if IRD (§41-6a-518.2), Refusal to Submit to Chemical Test (§41-6a-520), or 1st DUI (§41-6a-502) if under 21 or refused blood draw if under 21 (§41-6a-520(7)) • 3 years IRD for a combination of two of the following within 10 years: DUI (§41-6a-502), Refusal to Submit to Chemical Test (§41-6a-521), Controlled Substance/Metabolite (§41-6a-517), Alcohol-Related Reckless (§41-6a-512 – <i>only violations prior to July 1, 2008</i>), Impaired Driving (§41-6a-502.5), Driving with Controlled Substance/Bodily Injury or Death (§58-37-8(2)(g)), or Automobile Homicide (§76-5-207) • 6 years IRD for Felony DUI (§41-6a-502) or 2nd+ offense for refused blood draw (§41-6a-520(7)) • 10 years IRD for Automobile Homicide (§76-5-207)
<p>ARD – Alcohol Restricted Driver (§41-6a-529)</p> <p>An “alcohol restricted driver” may not operate or be in actual physical control of a vehicle with any measurable or detectable amount of alcohol in the person’s body.</p> <p><u>Note:</u> If Per se is drug only or metabolite, ARD does not apply.</p>	<ul style="list-style-type: none"> • 2 years ARD for 1st DUI (§41-6a-502), Alcohol/Drug-Related Reckless (§41-6a-512), or Impaired Driving (§41-6a-502.5) • 2 years ARD for any Per se offense (§53-3-223) • 3 years ARD for any driving without an IID if an IRD (§41-6a-518.2) or driving with alcohol in body if an ARD (§41-6a-530) offense • 5 years ARD for 1st Refusal to Submit to Test (§41-6a-521) or Class A misdemeanor DUI (§41-6a-502) • 10 years ARD for 2nd offense within 10 years, DUI (§41-6a-502), Alcohol/Drug-Related Reckless (§41-6a-512), or Impaired Driving (§41-6a-502.5) • 10 years ARD for 2nd offense of Refusal to Submit to Chemical Test (§41-6a-520(7)) if prior suspension for prior refusal within 10 years (41-6a-520(7)) • 10 years ARD for felony violation of refusal to submit to chemical test 41-6a-520(7)) • Lifetime ARD for any Felony DUI (§41-6a-502) or Automobile Homicide (§76-5-207)
<p>¹ The following provisions are intended to give an overview of penalties Driving Under the Influence Offenses, Utah Code Title 41, Chapter 6a, Part 5. It is a reference guide for ease of use and greater transparency to assist in understanding of sanctions pursuant to Utah Code Title 41, Chapter 6a, Part 5. The DUI matrix is not a substitute for reference to the Utah State Code. It does not constitute legal advice and is not legally binding. It does not create any right or expectation on behalf of an offender or any party within the criminal justice system.</p>	